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CAUSE NO. _____

DANIEL WILHITE, JAMES ACUÑA, §
CHRISTIAN ADMIRE, CLINTON BARTEK, §
KEVIN BLANCHARD, MAXIM BOYER, §
RORY CADOTTE, ALEXANDER CARTER, §
TRAVIS CLEVELAND, ALEX DAVIS, §
MATTHEW DAVIS, MARCUS EDWARDS, §
SCOTT HANCOCK, JIM JACKSON, §
DANIEL LEHAN, CHANDRA McMURRAY, §
JACOB MORRILL, JORDAN MOSS, §
SALIL NAIK, CHRISTOPHER NISI, §
THOMAS NUNN, MICHAEL ODDO, §
JONAS PALOMINO, ANTHONY PARK, §
CHEN PROM, MARWAN QURAIISHI, §
RYAN SHEEHAN, BRANDON SPAIN, §
NICK SPOST, TRAVIS TAYLOR, §
DYNA UNG and RICK VARGAS, §

Plaintiffs, §

v. §

L-3 COMMUNICATIONS CORP. D/B/A §
L-3 LINK SIMULATION & TRAINING §
AND/OR L-3 LINK SIMULATION & §
TRAINING AIR TRAFFIC CONTROL §
ACADEMY; ROBERT E. "SCOTT" JAMES, §
DALE RAATZ; JIM CHRISTY & §
L-3 COMMUNICATIONS HOLDINGS, INC.; §

Defendants. §

IN THE DISTRICT COURT OF

FILED
TARRANT COUNTY
MAR 31 PM 1:18
NORMAN A. WILDEB
DISTRICT CLERK
PK

TARRANT COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

NOW COME DANIEL WILHITE, JAMES ACUÑA, CHRISTIAN ADMIRE, CLINTON BARTEK,
KEVIN BLANCHARD, MAXIM BOYER, RORY CADOTTE, ALEXANDER CARTER, TRAVIS CLEVELAND,
ALEX DAVIS, MATTHEW DAVIS, MARCUS EDWARDS, SCOTT HANCOCK, JIM JACKSON, DANIEL
LEHAN, CHANDRA McMURRAY, JACOB MORRILL, JORDAN MOSS, SALIL NAIK, CHRISTOPHER

NISI, THOMAS NUNN, MICHAEL ODDO, JONAS PALOMINO, ANTHONY PARK, CHEN PROM, MARWAN QURAIISHI, RYAN SHEEHAN, BRANDON SPAIN, NICK SPOST, TRAVIS TAYLOR, DYNA UNG and RICK VARGAS (at times collectively referred to as "Plaintiffs") and file this Original Petition complaining of Defendants L-3 COMMUNICATIONS CORPORATION D/B/A L-3 LINK SIMULATION & TRAINING and/or L-3 LINK SIMULATION & TRAINING AIR TRAFFIC CONTROL ACADEMY; ROBERT E. "SCOTT" JAMES; DALE RAATZ; JIM CHRISTY and L-3 COMMUNICATIONS HOLDINGS, INC. (at times collectively referred to as "Defendants") and for cause of action would state the following:

I.

DISCOVERY CONTROL PLAN

Plaintiffs intend to conduct discovery under Level 3 pursuant to TEX. R. CIV. P. 190.4 because discovery needs to be tailored to the circumstances of this case.

II.

PARTIES

A. Plaintiff Daniel Wilhite is an individual who resides in Willow Park, Parker County, Texas. The last three digits of his Texas driver's license and social security number are 996 and 574, respectively.

B. Plaintiff James Acuña is an individual who resides in Fort Worth, Tarrant County, Texas. The last three digits of his Texas driver's license and social security number are 139 and 716, respectively.

C. Plaintiff Christian Admire is an individual who resides in Arlington, Tarrant County, Texas. The last three digits of his Texas driver's license and social security number are 521 and 358, respectively.

D. Plaintiff Clinton Bartek is an individual who resides in Aledo, Parker County, Texas. The last three digits of his Texas driver's license and social security number are 445 and 782, respectively.

E. Plaintiff Kevin Blanchard is an individual who resides in Alvarado, Johnson County, Texas. The last three digits of his Texas driver's license and social security number are 910 and 894, respectively.

F. Plaintiff Maxim Boyer is an individual who resides in Cedar Park, Williamson County, Texas. The last three digits of his Texas driver's license are 587. The last three digits of his social security number will be supplemented at a later date.

G. Plaintiff Rory Cadotte is an individual who resides in Des Plaines, IL. The last three digits of her Illinois driver's license and social security number are 819 and 320, respectively.

H. Plaintiff Alexander Carter is an individual who resides in Keller, Tarrant County, Texas. The last three digits of his Texas driver's license and social security number are 871 and 895, respectively.

I. Plaintiff Travis Cleveland is an individual who resides in Arlington, Tarrant County, Texas. The last three digits of his Texas driver's license and social security number are 136 and 583, respectively.

J. Plaintiff Alex Davis is an individual who resides in Denton, Denton County, Texas. The last three digits of his Texas driver's license and social security number are 857 and 729, respectively.

K. Plaintiff Matthew Davis is an individual who resides in Aubrey, Denton County, Texas. The last three digits of his Texas driver's license and social security number are 622 and 725, respectively.

L. Plaintiff Marcus Edwards is an individual who resides in Sherman, Grayson County, Texas. The last three digits of his Texas driver's license and social security number are 568 and 844, respectively.

M. Plaintiff Scott Hancock is an individual who resides in Denison, Grayson County, Texas. The last three digits of his Texas driver's license and social security number are 245 and 396, respectively.

N. Plaintiff Jim Jackson is an individual who resides in Corsicana, Navarro County, Texas. The last three digits of his Texas driver's license and social security number are 789 and 317, respectively.

O. Plaintiff Daniel Lehan is an individual who resides in Wilbraham, Massachusetts. The last three digits of his Massachusetts driver's license and social security number are 317 and 740, respectively.

P. Plaintiff Chandra McMurray is an individual who resides in Saginaw, Tarrant County, Texas. The last three digits of her Texas driver's license and social security number are 165 and 976, respectively.

Q. Plaintiff Jacob Morrill is an individual who resides in Iraq. The last three digits of his Utah driver's license and social security number are 034 and 183, respectively.

R. Plaintiff Jordan Moss is an individual who resides in Plano, Collin County, Texas. The last three digits of his Texas driver's license and social security number are 167 and 870, respectively.

S. Plaintiff Salil Naik is an individual who resides in Rockwall, Rockwall County, Texas. The last three digits of his Texas driver's license and social security number are 366 and 588, respectively.

T. Plaintiff Christopher Nisi is an individual who resides in Coppell, Dallas County, Texas. The last three digits of his Texas driver's license and social security number are 438 and 083, respectively.

U. Plaintiff Thomas Nunn is an individual who resides in Fort Worth, Tarrant County, Texas. The last three digits of his Texas driver's license and social security number are 395 and 247, respectively.

V. Plaintiff Michael Oddo is an individual who resides in Southlake, Tarrant County, Texas. The last three digits of his Texas driver's license and social security number are 245 and 191, respectively.

W. Plaintiff Jonas Palomino is an individual who resides in Garland, Dallas County, Texas. The last three digits of his Texas driver's license and social security number are 561 and 020, respectively.

X. Plaintiff Anthony Park is an individual who resides in Dallas, Dallas County, Texas. The last three digits of his Delaware driver's license and social security number are 315 and 549, respectively.

Y. Plaintiff Chen Prom is an individual who resides in Arlington, Tarrant County, Texas. The last three digits of his Texas driver's license and social security number are 729 and 385, respectively.

Z. Plaintiff Marwan Quraishi is an individual who resides in Jonesboro, Arkansas. The last three digits of his Arkansas driver's license and social security number are 726 and 213, respectively.

AA. Plaintiff Ryan Sheehan is an individual who resides in Aubrey, Denton County, Texas. The last three digits of his Texas driver's license and social security number are 968 and 842, respectively.

BB. Plaintiff Brandon Spain is an individual who resides in Arlington, Tarrant County, Texas. The last three digits of his Texas driver's license and social security number are 708 and 774, respectively.

CC. Plaintiff Nick Spost is an individual who resides in Sherman, Grayson County, Texas. The last three digits of his Texas driver's license and social security number are 083 and 053, respectively.

DD. Plaintiff Travis Taylor is an individual who resides in Georgetown, Williamson County, Texas. The last three digits of his Texas driver's license and social security number are 990 and 452, respectively.

EE. Plaintiff Dyna Ung is an individual who resides in Carrollton, Dallas County, Texas. The last three digits of his Texas driver's license and social security number are 657 and 934, respectively.

FF. Plaintiff Rick Vargas is an individual who resides in McKinney, Collin County, Texas. The last three digits of his Texas driver's license and social security number are 673 and 897, respectively.

GG. Defendant L-3 Communications Corporation d/b/a L-3 Link Simulation & Training and/or L-3 Link Simulation & Training Air Traffic Control Academy ("L-3") is a

Delaware Corporation with its principal office in New York, NY and its principal place of business in Arlington, Texas and may be served with process by serving its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

HH. Defendant Robert E. "Scott" James who, on information and belief, resides in Arlington, Tarrant County, Texas and may be served with process at his place of business, L-3 Link Simulation & Training, 2200 Arlington Downs Road, Arlington, Texas 76011, and/or L-3 Link Simulation & Training Air Traffic Control Academy, 5501 Airport Drive, Denison, Texas 75020.

II. Defendant Dale Raatz is an individual who resides in Sherman, Grayson County, Texas and may be served with process at his place of business, L-3 Link Simulation & Training, 2200 Arlington Downs Road, Arlington, Texas 76011 and/or L-3 Link Simulation & Training Air Traffic Control Academy, 5501 Airport Drive, Denison, Texas 75020, or at his home, 62 Lopez Drive, Sherman, Texas 75090.

JJ. Defendant Jim Christy is an individual who, on information and belief, resides in Fort Worth, Tarrant County, Texas and may be served with process at his place of business, L-3 Link Simulation & Training, 2200 Arlington Downs Road, Arlington, Texas 76011, and/or L-3 Link Simulation & Training Air Traffic Control Academy, 5501 Airport Drive, Denison, Texas 75020.

KK. Defendant L-3 Communications Holdings, Inc. is a Delaware corporation with its principal office in New York, NY and may be served with process by serving its registered agent, The Corporation Trust Company, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234 or 1209 Orange Street, Wilmington, Delaware 19801.

III.

JURISDICTION AND VENUE

A. **Jurisdiction.** The Court has jurisdiction over the parties, the subject matter of the controversy, and the amount in controversy in this case. More specifically, the jurisdiction in this case is proper in Texas for the following reasons:

1. The Court has jurisdiction over Plaintiffs as they are and/or were Texas residents at the time the cause of action occurred or accrued. The Court has jurisdiction over Plaintiffs because they have filed the claims and causes of action against Defendants in the above numbered and entitled cause.
2. The Court has jurisdiction over Defendants L-3 Communications Corporation and L-3 Communications Holdings, Inc. because they are foreign corporations who do business in Texas and committed one or more torts and other wrongful acts in whole or in part in Texas.
3. The Court has jurisdiction over Defendants Robert E. "Scott" James, Dale Raatz and Jim Christy as they are and/or were Texas residents at the time the cause of action occurred or accrued and at the time of the filing of this lawsuit and committed one or more torts and other wrongful acts in whole or in part in Texas.
4. The Court has jurisdiction over the subject matter of the controversy in this case because Plaintiffs' asserted causes of action are based upon actions under Texas law.
5. The Court has jurisdiction over the amount in controversy in the above numbered and styled cause because Plaintiffs' asserted claims and causes of action for damages, interest, costs, and other relief are based upon actions for damages under Texas law and the damages are in excess of the minimum jurisdictional limits of the Court, exclusive of interest and costs.

B. **Venue.** The venue in this case is proper in Tarrant County, Texas under TEX. CIV. PRAC. & REM. CODE §§ 15.001-15.003 because a substantial part of the events or omissions giving rise to the claims asserted in this case occurred in Tarrant County, Texas; Defendant L-3 Communications Corporation's principal office in Texas is in Tarrant County, Texas; and

Defendants Robert E. "Scott" James and Jim Christy are residents of Tarrant County, Texas. *See* TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1, 3).

IV.

FACTUAL BACKGROUND

A. Introduction

This is a fraud, DTPA, negligence, negligent misrepresentation and promissory estoppel action brought by Plaintiffs under Texas statutory and common law to recover those damages, interest, court costs and other relief provided by law for Plaintiffs' injuries and damages arising from Defendants' actions on or about the relevant dates herein.

B. Factual Circumstances.

1. Defendant L-3 Communications Corporation, a wholly owned subsidiary of Defendant L-3 Communications Holdings, Inc., d/b/a L-3 Link Simulation & Training and/or L-3 Link Simulation & Training Air Traffic Control Academy, obtained FAA approval in or about December 2008 to open an air traffic control academy (the "Academy").

2. Defendants L-3 Communications Corporation and/or L-3 Communications Holdings, Inc. (collectively "L-3"), by and through its/their agent(s), apparent agent(s), employee(s) and/or vice principal(s), including but not limited to Defendants Robert E. "Scott" James, Dale Raatz and Jim Christy, began recruiting students immediately thereafter to attend the Academy. The first Academy class began in or about January 2009.

3. One or more L-3 and/or Academy agent(s), apparent agent(s), employee(s) and/or vice principal(s), including but not limited to Defendants Robert E. "Scott" James, Dale Raatz and Jim Christy, enticed Plaintiffs to join the Academy by promising them jobs with the FAA upon graduation.

4. These promises were not mere offers of placement help. Rather, one or more L-3 and/or Academy agent(s), apparent agent(s), employee(s) and/or vice principal(s), including but not limited to Defendants Robert E. "Scott" James, Dale Raatz and Jim Christy, guaranteed Plaintiffs that the first 100 graduates would be hired by the FAA. This guarantee is corroborated by a February 9, 2009 article in which L-3 and/or Academy officials told the Fort Worth Star-Telegram an agreement had been made with the FAA to hire the first 100 Academy graduates.

5. One or more L-3 and/or Academy agent(s), apparent agent(s), employee(s) and/or vice principal(s), including but not limited to Defendants Robert E. "Scott" James, Dale Raatz and Jim Christy, also told Plaintiffs that a mobile unit would be present at the Academy on graduation day to hand out FAA job assignments.

6. Plaintiffs each relied on these promises and agreed to pay \$41,000.00 in tuition to attend the Academy.

7. To date, not a single student has received a job offer as promised. In fact, Plaintiffs have learned that the FAA never made the agreement represented by Defendants.

8. Furthermore, Plaintiffs have learned that their training received at the Academy is insufficient, by itself, to even qualify them to work in a FAA air traffic control tower.

9. As a result of the foregoing, Plaintiffs have each suffered significant damages and injuries as set forth herein.

V.

PRINCIPAL – AGENT LIABILITY

At all times alleged herein, Plaintiffs allege that Defendants Robert E. “Scott” James, Dale Raatz, Jim Christy and others were acting as the agent(s), apparent agent(s), employee(s) and/or vice-principal(s) of Defendants L-3 Communications Corporation and/or L-3 Communications Holdings, Inc., and Defendants L-3 Communications Corporation and/or L-3 Communications Holdings, Inc. ratified the acts of its/their agent(s), apparent agent(s), employee(s) and/or vice-principal(s), including but not limited to Defendants Robert E. “Scott” James, Dale Raatz Jim Christy. Therefore, Defendants L-3 Communications Corporation and/or L-3 Communications Holdings, Inc. are vicariously liable for the actions of Defendants Robert E. “Scott” James, Dale Raatz, Jim Christy and others.

VI.

INDIVIDUAL LIABILITY

In the event Defendants L-3 Communications Corporation and/or L-3 Communications Holdings, Inc. allege that Defendants Robert E. “Scott” James, Dale Raatz and/or Jim Christy were acting outside the scope of their employment and/or agency, Plaintiffs also file this suit against Defendants Robert E. “Scott” James, Dale Raatz and Jim Christy in their individual capacities.

VII.

COUNT 1 – COMMON LAW FRAUD

Defendants made material and false representations to Plaintiffs, which when made were either known to be false or were made recklessly, as positive assertions, and without knowledge of their truth, and were made with the intent that Plaintiffs act on them.

Specifically, L-3, by and through its/their agent(s), apparent agent(s), employee(s) and/or vice-principal(s), including but not limited to Defendants Robert E. "Scott" James, Dale Raatz and Jim Christy, made these representations to each Plaintiff just prior to each Plaintiff's respective start date at the Academy. The specific representations included, but are not necessarily limited to: (1) the first 100 Academy graduates were guaranteed jobs with the FAA, (2) Defendants had reached an agreement with the FAA to hire the first 100 Academy graduates; (3) a mobile FAA unit would be present at each Academy graduation to hand out FAA job assignments; (4) graduation from the Academy, by itself, would be sufficient to qualify Plaintiffs for employment in a FAA air traffic control tower and (5) graduates would be employed by the FAA before they had to repay loaned tuition, if any.

Plaintiffs reasonably relied on the representations, which caused injury and damage to Plaintiffs.

VIII.

COUNT 2 – FRAUD BY NONDISCLOSURE

Defendants concealed from and/or failed to disclose certain material facts to Plaintiffs, for which Defendants had a duty to Plaintiffs that required disclosure. Defendants knew Plaintiffs were ignorant of the facts and did not have an equal opportunity to discover the facts. Defendants were deliberately silent when they had a duty to speak, and by failing to disclose the facts, Defendants intended to induce Plaintiffs to take some action or refrain from acting. Plaintiffs relied on Defendants' nondisclosure, and were injured and damaged as a result of acting without the knowledge of the undisclosed facts.

IX.

COUNT 3 – DTPA

Plaintiffs were persons who sought and acquired, by purchase, services in the State of Texas. Defendants knowingly and/or intentionally engaged in deceptive acts and practices and committed unconscionable acts including, but not limited to:

1. Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of services (TEX. BUS. & COMM. CODE § 17.46(b)(2));
2. Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another (§ 17.46(b)(3));
3. Representing that services have sponsorship, approval, characteristics, uses or benefits which they do not have (§ 17.46(b)(5));
4. Representing that services are of a particular standard, quality, or grade if they are of another (§ 17.46(b)(7));
5. Advertising services with intent not to sell them as advertised (§ 17.46(b)(9));
6. Representing that an agreement confers or involves rights, remedies or obligations which it does not have or involve, or which are prohibited by law (§ 17.46(b)(12));
7. Misrepresenting the authority of a representative or agent to negotiate the final terms of a consumer transaction (§ 17.46(b)(14));
8. Representing that a guarantee or warranty confers or involves rights or remedies which it does not have or involve (§ 17.46(b)(20));
9. Failing to disclose information concerning services which was known at the time of the transaction if such failure to disclose such information was intended to induce the

consumer into a transaction into which the consumer would not have entered had the information been disclosed (§ 17.46(b)(24)) and

10. Engaging in an unconscionable action or course of action that, to Plaintiffs' detriment, took advantage of their lack of knowledge, ability, experience, or capacity to a grossly unfair degree.

Defendants' deceptive acts and practices and unconscionable acts were a producing cause of damage to Plaintiffs.

X.

COUNT 4 – NEGLIGENCE

Defendants owed a legal duty to Plaintiffs to exercise ordinary care. Defendants breached this duty, proximately causing injury and damage to Plaintiffs.

XI.

COUNT 5 – NEGLIGENT MISREPRESENTATION

Defendants made representations to Plaintiffs in the course of Defendants' business and/or in a transaction in which Defendants had an interest. The representations were false and Defendants did not exercise reasonable care or competence in obtaining or communicating the information. Plaintiffs relied on the representations, which proximately caused injury and damage to Plaintiffs.

XII.

COUNT 6 – PROMISSORY ESTOPPEL

Defendants made a promise(s) to Plaintiffs, upon which Plaintiffs reasonably and substantially relied to their detriment. Plaintiffs' reliance was foreseeable by Defendants, and injustice can be avoided only by enforcing Defendants' promise(s).

XIII.

DAMAGES

As a result of Defendants' wrongful conduct, as set forth above, Plaintiffs are entitled to recover the following damages:

1. Economic damages in the past and future in a fair and reasonable amount in excess of the minimum jurisdictional limits of the court.
2. Mental anguish damages in the past and future in a fair and reasonable amount in excess of the minimum jurisdictional limits of the court.
3. Treble damages in a fair and reasonable amount in excess of the minimum jurisdictional limits of the court.
4. Punitive damages in a fair and reasonable amount in excess of the minimum jurisdictional limits of the court.
5. As a further result of Defendant's wrongful conduct, Plaintiffs have been forced to retain the services of legal counsel. Pursuant to TEX. BUS. & COMM. CODE Texas statutory and/or common law, Plaintiffs seek recovery of their reasonable attorneys' fees in prosecuting this matter.

XIV.

PLAINTIFFS' REQUEST FOR JURY TRIAL

Plaintiffs hereby request a jury trial in this civil action and tender the appropriate fee to the clerk of the court in this case. Plaintiffs are entitled to a trial by jury in the above cause pursuant to the TEX. CONST. art. I § 15, TEX. R. CIV. P. 216 and U.S. CONST. amend. VII. Plaintiffs are entitled to, and hereby request, a jury of twelve jurors, as well as a valid number of alternate jurors. *See* TEX. GOV'T CODE ANN. § 62.020.

XV.

**PLAINTIFFS' RESERVATION OF RIGHTS TO AMEND
AND/OR SUPPLEMENT THIS PETITION**

As allowed by TEX. R. CIV. P. 45, 62, 63, 64, 65, 66, 67, 69 and other related rules, Plaintiffs assert and reserve their legal rights to amend and/or supplement the allegations and other contents of this petition to conform with any additional evidence or information and/or to respond to any or all of the pleadings of Defendants and/or any other party or parties in the above numbered and styled civil action.

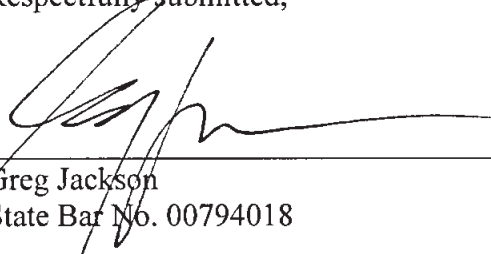
XVI.

PRAYER

FOR THESE REASONS, Plaintiffs pray that Defendants be cited to appear and answer herein and that Plaintiffs have and recover judgment against Defendants for the following:

- A. Actual damages described above in a fair and reasonable total amount in excess of the minimum jurisdictional limits of this court or alternatively, as allowed by law;
- B. Punitive damages described above in a fair and reasonable total amount in excess of the minimum jurisdictional limits of this court or alternatively, as allowed by law;
- C. Attorney's fees as allowed by law;
- D. Pre-judgment interest and post-judgment interest as allowed by law;
- E. Costs of court; and
- F. All other relief, in law and in equity, to which Plaintiff may be entitled.

Respectfully submitted,



Greg Jackson
State Bar No. 00794018

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