

106805-CV
CAUSE NO. _____

DERRICK REED

Plaintiff,

V.

**NYANZA MOORE and FRIENDS OF
NYANZA DAVIS MOORE**

Defendant.

١٢٣٤٥٦٧٨٩١٠١١١٢١٣١٤١٥١٦١٧١٨١٩٢٠٢١٢٢٢٣٢٤٢٥٢٦٢٧٢٨٢٩٣٠٣١٣٢٣٣٣٤٣٥٣٦٣٧٣٨٣٩٤٠٤١٤٢٤٣٤٤٤٥٤٦٤٧٤٨٤٩٥٠٥١٥٢٥٣٥٤٥٥٥٦٥٧٥٨٥٩٦٠٦١٦٢٦٣٦٤٦٥٦٦٦٧٦٨٦٩٧٠٧١٧٢٧٣٧٤٧٥٧٦٧٧٧٨٧٩٨٠٨١٨٢٨٣٨٤٨٥٨٦٨٧٨٨٨٩٩٠٩١٩٢٩٣٩٤٩٥٩٦٩٧٩٨٩٩

IN THE DISTRICT COURT

BRAZORIA COUNTY, TEXAS

____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, JURY REQUEST, AND
APPLICATION FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION**

Plaintiff, Derrick A. Reed ("Mr. Reed"), files this Original Petition, Jury Request, and Application(s) for Temporary Restraining Order and Temporary Injunction against Nyanza Davis Moore ("Ms. Moore") and Friends of Nyanza Davis Moore (collectively, "Defendants") and in support respectfully shows as follows:

I. OVERVIEW

Both Mr. Reed and Ms. Moore are Democratic candidates for election to serve the people of Texas' Congressional District 22, which encompasses most of the southern suburbs of the Greater Houston area ("the race"). Before entering the race, Mr. Reed served the citizens of Pearland as an at-large Councilman and as a Planning and Zoning Commissioner. Both Mr. Reed and Ms. Moore are Members of the State Bar of Texas, and therefore governed by the Bar's Rules of Professional Conduct and other ethical obligations and guidelines. Both are also very familiar with how to research and verify

legal information, including but not limited to, criminal history, court filings and police reports.

On or about January 18, 2020, Ms. Moore recorded, publicly posted and intentionally disseminated (publicly shared) a “Facebook live” message to her followers and numerous Facebook Groups with members that she knew were potential District 22 voters, for the purpose of influencing the outcome of the District 22 race. In the video, which has received more than 5,000 views to date, she emphatically and falsely infers that Mr. Reed “beats women.” Of these two congressional opponents, Mr. Reed is the only one who is known to have been on a long-term, marital relationship with a spouse.

On February 4, 2020, Ms. Moore repeated her behavior by making another public Facebook post, attempting to politically discredit Mr. Reed, by disseminating false information. This time, Ms. Moore expressly identified Mr. Reed by name as someone who “beats women” and included accusations that he beat his ex-wife. Ms. Moore made several false statements that Mr. Reed had committed the heinous crime of domestic violence against his ex-wife. She went on to mislead potential District 22 voters and every other person who saw or heard about her post, inferring that she was in possession of a “protective order” involving a domestic violence situation between Mr. Reed and his ex-wife.

On that same day, Friends of Nyanza Davis Moore, also known as Nyanza Moore for Congress, made several defamatory comments on a Facebook group page titled “Speak Out! And Tell the Truth.” In one of Nyanza Moore for Congress’s posts, Moore intentionally states that Mr. Reed “doesn’t get to beat (his) wife and run for Congress.”

Mr. Reed was with his ex-wife for approximately 20 years and has never beat or abused her. The police have never been called out to any of their residences for domestic violence or any physical altercation. Further, Mr. Reed has never battered any woman. There is no protective order in place between Mr. Reed and his former spouse (who was his only spouse) for any type of domestic violence. In fact, they have a great co-parenting relationship as they continue to raise their two young children. The purpose of this lawsuit is to ensure that the truth prevails and to recover damages for Defendants' wrongful, intentional, malicious defamation of Mr. Reed's character, reputation and, ultimately, injury to his and his family's livelihood.

II. DISCOVERY CONTROL PLAN

In accordance with Rule 190 of the Texas Rules of Civil Procedure, the plaintiff intends to conduct discovery in this case under Level 2 because this suit seeks damages of over \$200,000.00.

III. PARTIES

1. Mr. Reed is an individual and a resident of Brazoria County, Texas.
2. Nyanza Moore (hereinafter "Defendant Moore"), is an individual and a resident of Brazoria County, Texas, and may be served with process via personal service at 2102 Frank Shore Dr., Pearland, Brazoria County, Texas 77584, or wherever she may be found.
3. Defendant Friends of Nyanza Davis Moore is an organization and the principal campaign committee for Defendant Moore. Because it has failed to list a Designated Agent in its Federal Election Commission Statement of Organization, it may

be served process through personal service on Defendant Moore at 2102 Frank Shore Dr., Pearland, Brazoria County, Texas 77584, alternatively at 11601 Shadow Creek Parkway, Suite 111-210, Pearland, Brazoria County, Texas 77584, or where ever she may be found. For purposes of Defendant Moore's campaign, she and Friends of Nyanza Davis Moore are synonymous and operate in sync. Moore cannot run for office without Friends of Nyanza Davis Moore, which exists for the sole purpose of operating and receiving, processing, and handling all contributions to Moore's congressional campaign. Accordingly, they will be referred to hereinafter, collectively as "Defendants."

IV. JURISDICTION AND VENUE

4. Jurisdiction and venue are proper in this Court.
5. This Court has jurisdiction over this proceeding pursuant to TEX. CIV. PRAC. & REM. CODE § 65.021 and because the amount in controversy in this litigation, excluding exemplary damages, interest and attorney's fees, exceeds the minimum jurisdictional limits of this Court.
6. Venue is proper in Brazoria County, Texas, pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002(1), § 15.002(3), § 15.005, and § 65.023. All parties reside in Brazoria County, Texas, the events upon which this lawsuit is based occurred in Brazoria County, Texas, and Defendant Friends of Nyanza Davis Moore's principle place of business is in Brazoria County, Texas.

V. FACTS

A. Derrick Reed

7. Mr. Reed is a civil attorney practicing primarily in the Greater Houston Area. He is admitted to practice in the State of Texas, the United States Fifth Circuit Court of Appeals, and before the United States Patent and Trademark Office since 2007. Before becoming an attorney, Mr. Reed, a graduate of the University of Texas, was an Electrical Engineer for a Fortune 500 company.

8. Mr. Reed also served as a Harris County Assistant District Attorney for four (4) years before becoming a partner at a private civil law firm in 2016. He vehemently prosecuted many domestic violence cases during his tenure as a prosecutor. He is currently the managing partner of his law firm

9. Mr. Reed has two small children, ages seven (7) and nine (9), that he shares with his ex-wife. He has no other children. He has only been married once. He and his ex-wife were married for 15 years.

10. Mr. Reed was elected to Pearland City Council, Position 2, in June 2015. In May 2018, Mr. Reed was reelected to a second term on Pearland City Council. Shortly after the November 2018 election cycle, Mr. Reed made the decision to run for United States Congress. However, due to Texas' "resign to run" rule, Mr. Reed had to resign his council position in order to enter the race.

11. Before he served the citizens of Pearland as a councilmember, Mr. Reed served as a Planning and Zoning Commissioner on Pearland's Planning and Zoning Commission from November 2013 to June 2015.

12. In July 2019, he resigned from his seat on council to run for U.S. Representative of Texas' 22nd Congressional District as a member of the Democratic Party. He waited to announce his candidacy in an effort to save the taxpayers of Pearland money and avoid the costs of a special election. He served in a holdover capacity until the November 2019 election cycle.

13. In December 2019, Mr. Reed officially filed to have his name placed on Texas' March 3, 2020 Democratic Primary ballot.

14. Mr. Reed has never been charged with or convicted of a crime as an adult. Further, Mr. Reed has never been convicted of a crime as a juvenile. Mr. Reed has never committed any act of domestic violence against his ex-wife or any other woman. He has never been violent with, abused, hit, handled, or struck his ex-wife or any other woman. No protective order exists between he and his ex-wife or any other woman.

B. Defendants

15. According to the Texas State Bar website, Defendant Moore is licensed to practice in the State of Texas and has been since 2001.

16. From May of 2015 until the Spring of 2019, Defendant Moore was a legal expert and political analyst for Houston's "FOX 26."

17. Defendant Moore announced her candidacy for U.S. Representative of Texas' 22nd Congressional District as a member of the Democratic Party in or around April 2019.

18. In December 2019, Defendant Moore officially filed to have her name placed on Texas' March 3, 2020 Democratic Primary ballot.

19. Friends of Nyanza Davis Moore is an organization and the principal campaign committee for Nyanza Moore. Friends of Nyanza Davis Moore exists for the sole purpose of operating and receiving, processing, and handling all contributions to Moore's congressional campaign. Friends of Nyanza Davis Moore operates on Facebook as "Nyanza Moore for Congress."

C. Defendants Defamation *Per Se* of Mr. Reed

20. On or about January 18, 2020, Defendant Moore recorded, publicly posted and disseminated (publicly shared) a "Facebook live" message on her personal Facebook page to her followers and numerous Facebook Groups.

21. The entire video was about Defendant Moore's congressional campaign and nothing else. She shot the video in a vehicle with three (3) other females. In the video, which has received more than 5,000 views to date, she makes very suggestive comments about her two (2) congressional opponents, one of which is Mr. Reed. She makes it a point to falsely infer that Mr. Reed "beats women" when she states:

"I'm not worried about the black man republican who jumped in my race to run as a Democrat because his friends paid him to run against me and split the black vote. Black folks already know what you tryin to do Derrick Reed, it ain't gone work. And I'm not worried about the other one who ran the last time who...Cause guess what, out of those two that I just talked about, I'm the only one of us three that's never been arrested. I don't have a drug problem! I don't beat women! So let's just call it what it is, OK. You want to give your vote to some criminals, give it to 'em!"¹

Of these two congressional opponents, Mr. Reed is the only one who is known to have been married or in an open relationship with any woman.

¹ See Exhibit A (Video Recording).

22. On or about February 4, 2020, Defendant Moore publicly posted and disseminated (publicly shared) a message specifically about Mr. Reed on her personal page. This time, she made sure to include pictures of Mr. Reed, intentionally making sure that he can be identified by face, and state that he is, in fact, the “Republican” in the race who is running as a Democrat.

23. As of February 5, 2020, this post was shared with 47 different Facebook groups, most of which were Democrat in nature (ie. Fort Bend Democrats, Texas Young Democrats Women’s Caucus, Southern Brazoria County Democrats, etc), and targeted toward potential Democratic voters within District 22.

24. In the comments section of the February 4, 2020 post on Defendant Moore’s Facebook page, Defendant Moore responds to another Facebook user’s comment and states:

“(Name Omitted) I am going to let everyone see the fraud. He is used to lying, beating women and pretending he’s a Democrat. Keep it up and the Protective Order will see day light.”²

Defendant Moore blatantly and intentionally defames Mr. Reed here by expressly stating that he “beats women.” She goes on to identify her proof, a protective order, that “will see the light of day” if Mr. Reed “keeps it up.”

25. Clearly, Defendant Moore also leads the viewers of the aforementioned post and its comments to believe that she is in possession of a protective order between Mr. Reed and a woman whom he was in a relationship with and/or his ex-wife. Further, she threatens to reveal the alleged “Protective Order” that’s obviously in her possession

² See Exhibit B.

to the public if Mr. Reed continues whatever alleged act is offending her and supposedly damaging her campaign.

26. On February 4, 2020, Defendant Moore, through her Nyanza Moore for Congress Facebook page (operated by Defendants) commented on a Facebook group titled "Speak Out! And Tell The Truth." The comments were in response to the aforementioned post being shared to this group. In these comments, Defendants Moore and Friends of Nyanza Davis Moore through its Facebook page, Nyanza More for Congress, make several maliciously defamatory statements about Mr. Reed and his ex-wife, including:

"He forgot who he was running against. I'm not his ex wife- he doesn't scare me."³

Here, Moore explicitly identifies Mr. Reed and makes an inference about him "scaring" his ex-wife. She also avails herself as the person making the statement through her Nyanza Moore for Congress page because she states that Mr. Reed "forgot who he was running against" and then goes into first person.

27. Defendants go on to intentionally make several more defamatory statements about Mr. Reed and falsely accuse him of committing domestic violence against his ex-wife, including:

"Speak Out With Tell The Truth

Nyanza Moore For Congress I need to interview his ex wife...I am a victim of DV as well

Nyanza Moore for Congress

Speak Out With Tell The Truth YES YOU DO! He is still abusing her by keeping her silent. She needs to speak her truth! **You don't get to beat your wife and run for Congress.**

³ See Exhibit B.

Speak Out With Tell The Truth

Nyanza Moore For Congress 1000 RIGHT HE NEEDS JAIL.....EX REED IF U
LOOKING PLEASE CONTACT US ANYTIME AT 832 869 5808...I HAVE A
TEAM THAT WILL PROTECT U...PLEASE CALL US..."⁴

There is no doubt that the person behind "Speak Out With Tell The Truth" and thousands of others who saw this post, Moore's February 4, 2020 post that was shared to this page from her personal page, and/or Moore's verbal representations in her video immediately believed that Mr. Reed committed the heinous crime of domestic violence against his ex-wife.

28. All of Defendants' statements quoted in Paragraphs 22 - 28 are collectively "Defamatory Statements."

D. Defendants' Defamatory Statements are False and *Per Se* Defamatory

29. Defendants' Defamatory Statements are undoubtedly false and defamatory *per se*.

30. The Defamatory Statements expressly stated and specifically conveyed that Mr. Reed - Defendant Moore's opponent in the March 2020 Democratic Primary for Texas' Congressional District 22 - is a "woman beater" and physically abused his ex-wife. The average person who has heard or read and/or will hear or read Defendants' Defamatory Statements understood and will understand them to be making serious charges and allegations against Mr. Reed: that he is someone who assaults, or "beats," women and someone who physically abused and beat his ex-wife.

⁴ See Exhibit C.

31. Defendant Moore is a candidate for U.S. Congress and television personality. Further, she is listed by the State Bar as a twenty-year attorney. In the State of Texas, attorneys are held to a higher degree of ethical, moral, and professional conduct.

"A lawyer is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice. Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct."⁵

There is no question that the average person views Defendant Moore as an ethical officer of the legal system, knowledgeable of the law and trusts that someone in her capacity would have conducted the necessary research to verify her statements before making them. Specifically, Defendants' make statements that Mr. Reed committed a crime: a violation of the very legal system to which both Defendant Moore and Mr. Reed are officers of.

32. Further, the average person is confident that Defendant Moore would have possession of the protective order that Defendant Moore infers that she is in possession of that supposedly validates Defendants' Defamatory Statements. Thus, the average person that heard or read and/or will hear or read Defendants' Defamatory Statements understood them to be fact.

33. The very content of Defendants' Defamatory Statements would obviously be harmful to any individual, nonetheless, Mr. Reed. The content imputes that a terrible crime was committed. Further, the harm suffered from such a claim is irreparable.

⁵ Tex. Disciplinary R. Prof. Conduct, (1989) reprinted in Tex. Govt Code Ann., tit. 2, subtit. G, app. (Vernon Supp. 1995)

VI. CAUSE OF ACTION

A. Defamation Per Se (Slander and Libel)

34. Mr. Reed, without waiving the forgoing, realleges and incorporates the allegations set forth above.

35. A cause of action for defamation arises when (1) a defendant publishes a false statement about the plaintiff; (2) the statement was defamatory concerning the plaintiff; and (3) the defendant acted with malice if the plaintiff was a public official or public figure.⁶

36. Texas law states that statements are defamatory per se if they “are so obviously harmful to the person aggrieved, that no proof of their injurious effect is necessary to make them actionable.”⁷ Texas law further considers several types of statements injurious or “obviously harmful” to the person aggrieved, including statements that (1) unambiguously imply or impute that the plaintiff committed a crime; and/or (2) injure a plaintiff’s business, in his office, profession, or occupation.⁸

37. Mr. Reed first became aware of and listened to Defendants’ malicious Defamatory Statements about him on or about January 18, 2020 when Moore recorded, posted and disseminated (shared) her aforementioned “Facebook live” message to her followers and numerous Facebook groups inferring that Mr. Reed “beats women.”

⁶ *WFAA-TV Inc. v. Mclemore*, 978 S.W. 2d 568, 571 (Tex 1998).

⁷ *Alaniz v. Hoyt*, 105 S.W.3d 330, 345 (Tex. App. Corpus Christi 2003).

⁸ *Main v. Royall*, 348 S.W. 3d 318, 390 (Tex. App. – Dallas 2011, no pet.).

38. On February 4, 2020, Mr. Reed and hundreds of thousands of other people viewed Defendants' additional Defamatory Statements that now included his ex-wife and stated his name alongside the evil crime that he supposedly committed.

39. Defendants' Defamatory Statements are undoubtedly false. As previously stated, Mr. Reed has never committed any act of domestic violence against his ex-wife or any other woman. He has never been violent with, abused, hit, handled, or struck his ex-wife or any other woman. The police have never been called out to the residence shared between by Mr. Reed and his ex-wife for any matter involving domestic violence. In fact, Mr. Reed's ex-wife issued a statement to the contrary of Defendants Defamatory Statements.

40. Defendant Moore unambiguously stated that Mr. Reed committed the crime of domestic violence. Domestic Violence, or Assault Family Member, is an extremely serious crime of moral turpitude in the State of Texas.⁹

41. Defendants' Defamatory Statements have reached Defendant Moore's followers, numerous Facebook groups, and at least five hundred thousand (500,000) or more people throughout the State of Texas, including potential voters in Congressional District 22.

42. Mr. Reed subsequently received numerous phone calls and messages regarding Defendant Moore's initial January 18, 2020 Facebook live message asking him about the allegation.

⁹ Tex. Penal Code § 22.01(b)

43. Mr. Reed received more than one hundred (100) calls and text/ social media messages within twenty-four (24) hours of Defendants' Defamatory Statements made on February 4, 2020. Every one of these calls and text/ social media messages were in regard to Mr. Reed allegedly beating his ex-wife. Mr. Reed even received a call from one of his uncles that lives in Dallas because his uncle had learned of the allegation from someone at his office. Mr. Reed, his children, and his ex-wife have suffered and will continue to suffer irreparable harm from Defendants' careless and Defamatory Statements.

44. There is no question that the Defamatory Statements will affect Mr. Reed's current and potential business and business clientele. Mr. Reed is a partner at a law firm that has and continues to represent woman owned businesses and women in an individual capacity who have been discriminated against in the workplace. Mr. Reed's firm, and ultimately Mr. Reed himself, will suffer professionally and economically from the loss of current and potential clients as Defendants' Defamatory Statements continue to spread.

B. Defendants' Defamatory Statements Were Made With Malice

45. Defendants knew that their Defamatory Statements were false and would damage Mr. Reed's family, reputation, integrity, business and campaign. They knew that the Defamatory Statements were defamatory because they tend to lead the average person in the community to form a terrible opinion of Mr. Reed and discredit his reputation, integrity, profession, business and his Congressional Campaign. Alternatively, Defendants made these public comments with reckless indifference to the

truth or falsity of the statements, despite knowing the great risk of harm that would result if the statements were in fact not true.

46. Malice is evident and unquestioned because Defendants had no facts backing up their Defamatory Statements. Given Defendant Moore's profession, legal license, expertise, and training, Defendants had access to and knowledge of numerous legal search databases, district clerk websites, and court filings. Thus, Defendants were fully capable of obtaining the legitimacy to any criminal or legal acts, especially something as serious as domestic violence, if they wanted to do anything other than intentionally harm Mr. Reed.

47. Further, Moore claimed to be in possession of a protective order. There is no way that Moore could have made anything other than an intentional false and defamatory statement because a protective order does not exist between Mr. Reed and his ex-wife or any woman.

48. Defendants intended for the Defamatory Statements to be defamatory in an effort to ruin Mr. Reed's congressional campaign. Specifically, Mr. Reed is Defendant Moore's political opponent. Defendant Moore has four (4) other opponents. However, Defendant Moore has some specific ill will against Mr. Reed that has been demonstrated in political forums, social media posts and comments. Defendants obviously view Mr. Reed and his congressional campaign as a threat to Defendant Moore's campaign and are willing to do whatever it takes, including lie, defame and spread false allegations, in order to personally harm an opponent and win the election.

49. Rather than utilize factual evidence, Defendants relied on Defendant Moore's own imagination and apparent hatred for Mr. Reed. There is no other reasonable inference but that Defendant Moore, at minimum, made a deliberate decision not to acquire knowledge of facts that might confirm the probable falsity of the Defamatory Statements and purposefully avoided the truth. In short, Defendants intentionally lied to harm Defendant Moore's perceived Democratic rival.

50. Defendants' malicious Defamatory Statements on their face, both referring to Mr. Reed and directly mentioning Mr. Reed by name, were not only specifically intended to irreparably harm, but have in fact have irreparably harmed and will continue to irreparably harm Mr. Reed, his ex-wife, and his children. They have damaged Mr. Reed's reputation and exposed him to public hatred, disgrace, and ridicule.

51. Mr. Reed's minor children have been and will continue to be harmed due to them being approached by other children about alleged family abuse between their parents.

52. It is also definite that Defendants' Defamatory Statements have permanently damaged Mr. Reed's campaign for U.S. Congress and his political career in general.

53. Texas' Citizens Participation Act ("TCPA") is not a defense in this matter for several reasons, including but not limited to, the fact that false and baseless allegations are not a matter of public concern. Instead, they are made strictly for Defendants' own political gain and advancement. Further, matters involving legal action under the family

code or an application for protective order are exempt.¹⁰ Defendant Moore claims to be in possession of an actual protective order, which means she has seen or is in possession of an application for protective order that shows Mr. Reed's ex-wife seeking protection from Mr. Reed for physical abuse or domestic violence. Neither a protective order nor an application for protective order seeking protection for physical abuse or domestic violence are in existence.

54. Defendants' Defamatory Statements have caused, and will continue to cause, Mr. Reed damages in an amount that is not presently ascertainable but is in excess of the Court's minimum. Additionally, Mr. Reed estimates that he will suffer a business of no less than \$3,000,000.00 over time.

**VII. APPLICATION FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

55. Mr. Reed, without waiving the forgoing, realleges and incorporates the allegations set forth above.

56. There is a substantial likelihood that Mr. Reed will prevail on the merits of his claims against Defendants: Defamation Per Se – Libel and Slander. Further, the simple fact that Mr. Reed has never committed any act of domestic violence, been violent with, abused, hit, handled, or struck his ex-wife or any other woman AND that no protective order nor application for protective order that indicates Mr. Reed's ex-wife sought protection from Mr. Reed for physical abuse or domestic violence exists helps to facilitate his ability to succeed on the merits of his case.

¹⁰ Tex. Civ. Prac. & Rem. Code § 27.010 (a)(6).

57. Mr. Reed has suffered and will continue to suffer immediate and irreparable harm unless Defendants are immediately restrained from further intentionally defaming Mr. Reed. Additionally, Mr. Reed has no adequate remedy at law for the irreparable harm he has and will continue to suffer, which includes, without limitation, damage to Mr. Reed's character, integrity and reputation and injury his family, emotional state, business, political campaign, and future personal and political aspirations. .

58. The public interest would be best served by the issuance of the injunctive relief Mr. Reed seeks because Defendants are continuing and will continue to make the aforementioned Defamatory Statements or false statements that are similar in nature to the Defamatory Statements. The public deserves to hear the truth about a person that they have confided in to represent their interest in law and politics.

59. Pending the final determination of this action on its merits, Mr. Reed respectfully requests that this Court:

- i. Order Defendants and anyone acting by, through, or in concert with them to cease and desist making any and all publication or republication of the Defamatory Statements or any defamatory statements regarding Mr. Reed allegedly committing any criminal act of domestic violence. Publication and/or republication includes communication made via social media, videos, postings, verbally, and in writing;
- ii. Enjoin Defendants from continuing their acts of defamation per se of Mr. Reed and falsely stating and inferring that Mr. Reed "beats women" or has committed an act of domestic violence;

- iii. Require Defendants to withdraw their published defamatory statements, including those that have published via video recording; and
- iv. Require Defendants to issue a public and express retraction of the statements in every social media and media method Defendants used to disseminate the defamatory statements.

60. Given the nature of Defendants' conduct demonstrated herein, the short time period for which Defendants will be enjoined, and Defendants' ability to obtain relevant and non-privileged information through discovery in any litigation between parties, Mr. Reed respectfully requests that the Court, in its discretion, waive any bond or security in this case. In the alternative, in the event the Court determines that a bond is necessary, Mr. Reed respectfully submits that security in the amount of \$500.00 would be sufficient and proper.

61. Mr. Reed will move the Court for a Preliminary Injunction requesting the same or similar relief and thus seeks the above relief for 14 days, unless otherwise extended for good cause shown.

VIII. DAMAGES

62. Mr. Reed, without waiving the forgoing, realleges and incorporates the allegations set forth above.

63. The Defendants' acts are beyond ordinary campaign rhetoric and/or political conduct and constitute illegal acts that have damaged Mr. Reed's character, integrity and reputation and injured his family, emotional state, business, political campaign, and future personal and political aspirations. To the extent that Mr. Reed's

injuries are compensable, he asks that Defendants be ordered to pay all presumed, actual and consequential damages resulting from Defendants' wrongful conduct. Because the Defendants' conduct was intentional and malicious, Mr. Reed further prays for exemplary damages.

IX. JURY REQUEST

Plaintiff hereby requests a trial by jury.

X. PRAYER FOR RELIEF

THEREFORE, Plaintiff respectfully requests that this Court:

- (a) Immediately enter an Order granting injunctive relief (1) prohibiting further publication or republication of the defamatory statements or any defamatory statements related to the subject matter of the original defamatory statements made about Mr. Reed, his ex-wife and his children, (2) requiring Defendants to withdraw the defamatory statements, and (3) issue a public and express retraction of the statements in every social media and media method Defendants used to disseminate the defamatory statements;
- (b) After a trial on the merits, award Mr. Reed all presumed, actual, consequential, and exemplary damages, including those allowed under Chapter 73 of the Texas Civil Practice and Remedies Code;
- (c) After a trial on the merits, award Mr. Reed all attorneys' fees, court costs, and expenses incurred in this action; and
- (d) After a trial on the merits, grant Mr. Reed all other relief, in law or in equity, general or special, as this Court deems proper and to which he may be justly entitled.

Respectfully submitted,



Alfonso Kennard, Jr.
Texas Bar No.: 24036888
2603 Augusta Drive, Suite 1450
Houston, TX 77057
Telephone No.: (713) 742-0900
Facsimile No.: (713) 742-0951
alfonso.kennard@kennardlaw.com

ATTORNEY-IN-CHARGE FOR PLAINTIFF

OF COUNSEL FOR PLAINTIFF:



Eddie Hodges, Jr.
Texas Bar No. 24116523
2603 Augusta Drive, Suite 1450
Houston, Texas 77057
(713) 742-0900 (main)
(713) 742-0951 (facsimile)
Email: eddie.hodges@kennardlaw.com

ARMSTRONG LEGAL, PLLC

Marrick Armstrong
Texas Bar No. 24057695
marrick@srappllc.com
12234 Shadow Creek Parkway, Suite 1104
Pearland, Texas 77584
Telephone: 281-489-3934
Facsimile: 713-391-8349

VERIFICATION OF DERRICK REED

STATE OF TEXAS

§

§

COUNTY OF BRAZORIA

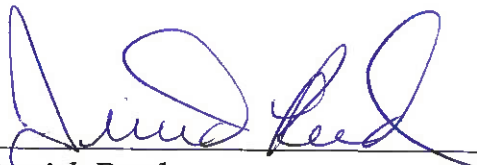
§

BEFORE ME, the undersigned authority Notary Public, on this day personally appeared Derrick Reed, the affiant, known to me to be the person whose name appears on this document, and stated as follows:

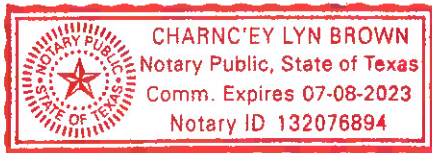
I am over the age of 21, am of sound mind, and am in all ways competent to make this oath. I have read the Plaintiff's Verified Petition and Application for Temporary Restraining Order, Preliminary Injunction and Permanent Injunction. The statements in paragraphs 7 through 61 were prepared from my personal knowledge, from information provided by Defendants, or from the business records and files of the Texas Secretary of State.

Based on these sources, and subject to inadvertent or undiscovered errors, I verify that the statements made in paragraphs 7 through 61 are true and correct to the best of my knowledge, information and belief.

BY:


Derrick Reed

SUBSCRIBED AND SWORN to before me on this the 11 day of February, 2020, to certify which witness my hand and seal of office.



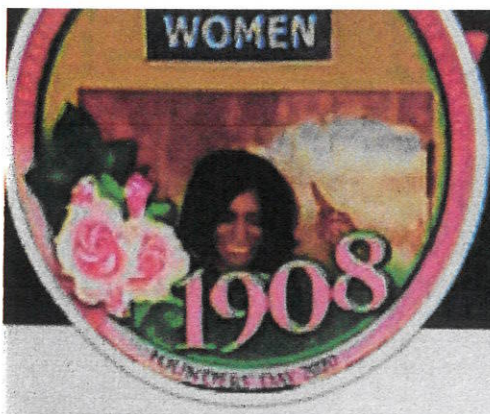

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT A



***Video Screenshot – Actual video has been submitted to the Court.

EXHIBIT B



Nyanza Moore

Timeline

About

Friends

Friends

Mutual Friends 218

Followers 492

Following 50



Afgm Houston

4,993 friends

✓ Friends



Allen Provost

1,812 friends

✓ Friends



Arieal Brewer



Nyanza Moore is 🥰 feeling fantastic with Damiane Banieh and 63 others at Texas's 22nd Congressional District.

15 hrs · 🌐

HAPPY TUESDAY!!

This morning the Republican running in the Democratic Primary is looking for sympathy.

Our signs have been up all over Brazoria, Harris and Fort Bend County for 6 Months. Interestingly, on Saturday, the Republican decided to put his signs right in front of my signs.

#TeamNYANZA was a bit confused though - they weren't sure if those were DEMOCRAT signs...since the entire City of Pearland was covered in Red with the #TrueRepublican's campaign signs just a few months ago. 🙄🙄🙄
🙄

By Sunday, #TeamNYANZA put our signs back where they belong.

I'm so glad the Republican finally decided to start campaigning for the Democratic Primary! The #TrueRepublican voted in the 2016 Republican Primary. Now he is trying to fool voters like he is a Democrat. It's not working.

I Recall the Republican running as a Republican in Pearland and when DEMOCRAT @QuentinWiltz was running for Pearland City Council, the Republican called all of the land owners and forced Quentin Wiltz to remove ALL of his signs. Wow! Where is the integrity?

The Republican is now pretending to be a Democrat to split the vote. Unfortunately, the #TrueRedRepublican forgot to scrub the internet for his Republican Campaign materials. Oops.

Too bad the Republican has to follow my signs everywhere. He has no clue where Democrats get to put their signs. So- believe me Mr. Republican- you are not running against our Dear Democrat Quentin Wiltz. This time the #SneakyRepublican is up against a #TrueDemocrat that has witnessed his unethical political games against Democrats.

Thank you #TEAMNYANZA - stay on it!! Don't let the #TrueRepublican keep putting his signs in front of mine. When you see them do it again- keep moving ours back where they belong in the front!

It may be time for the #TrueRepublican to go back to his #RedTeam. He is up against a #TrueDemocrat that was raised to Keep fighting and outing those who seek to divide our party.

ALL of his signs. **vow!** Where is the integrity?

The Republican is now pretending to be a Democrat to split the vote. Unfortunately, the **#TrueRedRepublican** forgot to scrub the internet for his Republican Campaign materials. Oops.

Too bad the Republican has to follow my signs everywhere. He has no clue where Democrats get to put their signs. So- believe me Mr. Republican- you are not running against our Dear Democrat Quentin Wiltz. This time the **#SneakyRepublican** is up against a **#TrueDemocrat** that has witnessed his unethical political games against Democrats.

Thank you **#TEAMNYANZA** - stay on it!! Don't let the **#TrueRepublican** keep putting his signs in front of mine. When you see them do it again- keep moving ours back where they belong in the front!

It may be time for the **#TrueRelubican** to go back to his **#RedTeam**. He is up against a **#TrueDemocrat** that was raised to Keep fighting and outing those who seek to divide our party.



37

21 Comments 47 Shares

Like

Comment

Share



Josephine McGill-Zhao Seriously?! I hate people play dirty!

Like · Reply · 15h



   Nyanza Moore and 10 others

47 shares



Josephine McGill-Zhao
Seriously?! I hate people play dirty!

1h Like Reply



Nyanza Moore
Josephine McGill-Zhao I'm not scared-I'm a Woman! I'm up for this fight!

1h Like Reply



Write a reply...



Nyanza Moore



1h Like Reply




Josephine McGill-Zhao
At least he voted. Can't say the same about the other guy 🙄



Write a comment...



 **Nyanza Moore Josephine McGill-Zhao** Me too - it's exactly what the Republicans planned. Sneak a Black Republican in the race to split the vote and force a runoff. So Dems spend their time battling each other instead of the Republican Primary Winner.

Like · Reply · 15h



Write a reply...



T.C. Craft Tell the truth and shame the devil Soror! 😬

Like · Reply · 15h



Nyanza Moore T.C. Craft I am going to let everyone see the fraud. He is used to lying, beating women and pretending he's a Democrat. Keep it up and the Protective Order will see day light.

Like · Reply · 15h



Maya Rachelle Derick Reed couldn't be a man of integrity if his life depended on it. He is a fraudulent, backsliding republicoon.

Like · Reply · 14h



↳  **Nyanza Moore** replied · 1 Reply



Kayla Sneed Derrick Reed needs to know you are a woman he cannot beat!! 🤬🤬

Like · Reply · 14h



↳  **Kayla Sneed** replied · 3 Replies



Theresa Brunson It was the Republican Dirty Tricks Committee in action.... 😬😬😬😬😬😬😬

Like · Reply · 12h



↳  **Nyanza Moore** replied · 1 Reply · 11 hrs



N Lucy Chukwurah This slur, and involving his ex wife with lies is beneath you Nyanza Moore. I've been reading this nonsense all day and I am disgusted. Why are you involving the mother of his children. Do you not have kids? As to his exwife and children, you should have nothing to say...and lying about him abusing her is as

EXHIBIT C

[←](#) Posts**Shauntay B Favor** ▶ **Speak Out! And Tell The Truth Group**

2 hrs •

SPEAK #REALISTIC #TRUTH... 🤔🤔 Nyanza Moore, IS TODAY TELL THE TRUTH TUSEDEAY...

**This content isn't available right now**

When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.



Like



Share

**Shauntay B Favor and 1 other****Nyanza Moore for Congress**
Rosa Saade- Hahha!

2h Like

**Nyanza Moore for Congress**

As a Democrat - I've spent 25 years serving the community, 10 years pro bono legal service for Veterans, 15 years Pro bono work for the underserved, Marching, Sitting, Standing & Taking a Knee. Where has the #TrueRepublican been all this time?

1h Like



To post and comment, join **Speak Out! And Tell The Truth Group**.

[Join](#)



Replies

**Nyanza Moore for Congress**

He forgot who he was running against.
I'm not his ex wife- he doesn't scare me.

1h Like

**Speak Out With Tell The Truth**

Nyanza Moore for Congress I need
to interview his ex wife... I am victim
of DV as well....

1h Like

**Nyanza Moore for Congress**

Speak Out With Tell The Truth YES
YOU DO! He is still abusing her by
keeping her silent. She needs to
speak her truth! You don't get to beat
your wife and run for Congress!

1h Like

**Speak Out With Tell The Truth**

Nyanza Moore for Congress 1000
RIGHT HE NEEDS JAIL..... EX REED IF
U LOOKING PLEASE CONTACT US
ANYTIME AT 832 869 5808... I HAVE
A TEAM THAT WILL PROTECT U...
PLEASE CALL US...

1h Like

**Nyanza Moore for Congress**

Speak Out With Tell The Truth Speak
Out Against your Abuser-

55m Like

**Speak Out With Tell The Truth**

Nyanza Moore for Congress Yes
ma'am ... The recent one was on the
Cam Hill show

1m Like