

DC-15-02572

Freeney Anita

CAUSE NO. _____

HEATHER DOBROTT,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	
	§	DALLAS COUNTY, TEXAS
GARLAND SOCCER ASSOCIATION,	§	
INC. and	§	
DAVID ARCINIEGA,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Heather Dobrott ("Dobrott"), and files this Original Petition complaining of Defendants, Garland Soccer Association, Inc. ("GSA") and David Arciniega ("Arciniega") and would show the Court as follows:

DISCOVERY LEVEL

1. DISCOVERY IS INTENDED TO BE CONDUCTED UNDER LEVEL 2 OF RULE 190 OF THE TEXAS RULES OF CIVIL PROCEDURE.

DAMAGES AND JURISDICTION

2. Plaintiff seeks monetary relief of \$100,000.00 or less and non-monetary relief. The damages sought by Plaintiff are within the jurisdictional limits of the Court.

PARTIES

3. Plaintiff, Dobrott, is an individual and resident of the State of Texas.

4. Defendant, Garland Soccer Association, Inc., is a Texas non-profit corporation and may be served with service of process by serving its President, David Arciniega, at 1917 Apollo Road, #200A, Garland, Texas, 75044.

5. Defendant, David Arciniega, is an individual and may be served with service of process at 1917 Apollo Road, #200A, Garland, Texas, 75044.

VENUE

6. Venue is proper in Dallas County, Texas, because all or a substantial part of the events giving rise to Plaintiff's causes of action occurred in Dallas County, Texas.

FACTS

7. Dobrott is a former U6 Girls Director of GSA. She is also a former team manager of a GSA team, former coach of a GSA special needs player, and the parent of a former GSA player.

8. Pursuant to the Bylaws and Rules of GSA and NTSSA: (a) GSA is a member of NTSSA; (b) GSA is required to comply with the Bylaws and Rules of NTSSA; (c) GSA is under the jurisdiction of NTSSA, including matters regarding GSA's misuse of funds and misapplication of applicable Bylaws and Rules; and (d) all administrators, team managers, team members, and participants in GSA are under the jurisdiction of NTSSA.

9. When Dobrott was elected as the Director of GSA in 2012, NTSSA informed her of her fiduciary duties to GSA. Dobrott complied with her fiduciary duties to GSA by reporting and questioning the following incidents, misconduct, and ethical violations which adversely affected GSA and were not in the best interest of GSA:

a. Dobrott reported and questioned GSA's misuse of GSA funds when GSA continued to retain Jevin, GSA's software provider for GSA scheduling and registration for all registration monies of GSA, despite the fact that over \$8,000.00 of GSA's registration money was missing while said funds were under Jevin's control. Rather than terminate Jevin, GSA continued to retain Jevin.

b. Dobrott reported and questioned GSA's retention of a GSA Director whose husband is a Level 2 sex offender and convicted felon who had access, through his wife the GSA Director, to registration records of GSA players who are minors. GSA, through David Arciniega, did not comply with the applicable Whistleblower Policy.

Instead, GSA, led by Arciniega, and the NTSSA disclosed to the convicted felon and Level 2 sex offender and his wife, the GSA Director, that Dobrott had disclosed the husband's public criminal record to GSA and NTSSA.

c. Dobrott reported and questioned that GSA kept its Board Meetings secret and did not publish its Board Member Reports to the members of GSA contrary to applicable Bylaws and Rules.

d. In late October, 2014, Dobrott reported and questioned that GSA Director, Angela Bowen-Hearn, had missed seven of the last twelve Board Meetings. Rather than handle the complaint confidentially under the GSA Whistleblower Policy, Arciniega informed Angela Bowen-Hearn that Dobrott had reported Ms. Bowen-Hearn for missing Board meetings.

10. From the Spring of 2013 until the Spring of 2014, Dobrott coached a special needs child who was a GSA player. Arciniega threatened Dobrott with the imposition of violations for inadequate play time when Dobrott did not play the player who had special needs 50% of the game time even though the player, due to special needs, was unable and/or unwilling to play 50% of the game.

11. At all pertinent times, Arciniega exercised oppressive control over GSA, including but not limited to a) holding secret Board meetings and other meetings, b) unduly and unfairly controlling the assignment of referees for GSA games, c) controlling the hiring of GSA vendors, such as Jevin, contrary to the best interest of GSA, d) retaining a GSA Director who allowed her husband, a convicted felon and Level 2 sex offender, access to the records of GSA players who are minors, e) failing to comply with applicable Bylaws and Rules, f) failing to comply with the applicable Whistleblower Policy when Dobrott reported misconduct, g) refusing coaches' requests for open Board meetings and meeting minutes causing at least one coach to resign, and h) creating a hostile environment for GSA Board meetings.

12. In December 2014, GSA did not re-elect Dobrott as a Director for an additional term. Based on information and belief, Dobrott was defeated due to proxies obtained by Arciniega in which Arciniega defamed Dobrott and rigged the election.

13. The GSA Bylaws provide: “The Board shall cause to be kept a complete record of its corporate affairs and shall make such records available for inspection by any member.” Dobrott reported and questioned when the GSA Board, led by Arciniega, failed to comply with the duty to retain the complete record of its corporate affairs and make the records available for inspection.

14. The NTSSA Whistleblower Policy provides in pertinent part as follows:

“The...Code of Ethics and Conduct (“Code”) requires directors, officers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As representatives of the Organization, directors, officers, and employees must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations. It is the responsibility of all directors, officers, and employees to comply with the Code and to report violations or suspected violations in accordance with this Whistleblower Policy. No director, officer, or employee who in good faith reports a violation of the Code shall suffer harassment [or] retaliation...Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.”

GSA, led by Arciniega, did not comply with the Whistleblower Policy as stated in Paragraphs 9(b) and 9(d) above. Rather, GSA, led by Arciniega, did not keep Dobrott’s reports confidential and harassed Dobrott for making the reports.

15. The NTSSA Code of Ethics for member associations provides in pertinent part as follows:

“This Code of Ethics has been developed to clarify and distinguish approved and accepted professional ethical and moral behavior from that which is detrimental to the development of the sport of soccer...Member Association’s Administrators must always refrain from criticizing other Administrators in the presence of others...Professional

respect should be mutual and there should be no demeaning dialogue or gesture between Administrators.”

16. Further, NTSSA refuses to allow its members access to the Courts as its Bylaws provide as follows: “Any person who files a lawsuit or invokes the aid of the courts on their own behalf or as a representative for any person against NTSSA, or its officers, employees or members are representatives of any of its officers, employees or members shall be subject to sanction of immediate suspension from membership and from all soccer activities under the jurisdiction of NTSSA and affiliates. NTSSA may also elect to subject a person who threatens to file a lawsuit or who threatens to invoke the aid of the Courts to the same sanctions of suspension.”

CAUSES OF ACTION

OPPRESSIVE CONDUCT/BREACH OF FIDUCIARY DUTY

17. Defendants engaged in wrongful conduct toward Dobrott as described above. Further, Arciniega exercised oppressive control over GSA to the detriment of Dobrott.

18. Defendants have not dealt fairly in GSA’s affairs to the prejudice of Dobrott. Defendants have not observed the standards of good faith and fair dealing and the standards in the GSA and NTSSA Bylaws and Rules on which Dobrott was entitled to rely.

19. Defendants have breached their fiduciary duty to Dobrott by their oppressive conduct toward Dobrott.

20. As a result of the breach of fiduciary duty owed by Defendants to Dobrott, Dobrott has suffered damages in excess of the minimum jurisdictional limits of the Court.

BREACH OF CONTRACT

21. The GSA and NTSSA Bylaws and Rules constitute a contract between GSA and Dobrott.

22. GSA breached this contract with Dobrott as described above.

23. As a result of the breach of contract by GSA, Dobrott has been damaged in an amount in excess of the minimum jurisdictional limits of the Court.

24. Dobrott is entitled to recover her reasonable and necessary attorney's fees in the trial court and on appeal from GSA due to GSA's breach of contract under Section 38.001 of the Tex. Civ. Prac. & Rem. Code.

DEFAMATION

25. Arciniega published statements of fact about Dobrott to third parties which statements were defamatory and false.

26. Arciniega acted with malice in defaming Dobrott.

27. As a result of the defamation of Dobrott by Arciniega, Dobrott has sustained damages in an amount in excess of the minimum jurisdiction of the Court, including damages to her reputation.

DECLARATORY JUDGMENT

28. Dobrott seeks a declaratory judgment pursuant to Chapter 37 Tex. Civ. Prac. & Rem. Code that the December 2014 election in which Dobrott was defeated for the position of Director of GSA was improper and not in compliance with GSA Bylaws and Rules.

29. Dobrott seeks a declaratory judgment that this election is void and reinstating her to her position as a Director of GSA.

30. Dobrott also seeks her reasonable and necessary attorney's fees pursuant to Section 37.009 Tex. Civ. Prac. & Rem. Code.

PRAYER

WHEREFORE, based on the foregoing, Plaintiff, Heather Dobrott, respectfully requests that Defendants be cited to appear and answer, and that on final trial, Plaintiff have judgment against Defendants for the following:

1. Damages against Defendants in excess of the minimum jurisdictional limits of the Court;
2. A declaratory judgment that the December 2014 election of Directors of GSA is void and Dobrott is reinstated as a Director of GSA ;
3. Pre-judgment and post-judgment interest at the highest legal rate;
4. Reasonable and necessary attorney's fees in the trial court and on appeal;
and
5. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

LAW OFFICE OF FOSTER & FOSTER, P.C.

/s/ Susan Johnson Foster

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Plaintiff,	§	
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v.	§	
	§	DALLAS COUNTY, TEXAS
GARLAND SOCCER ASSOCIATION,	§	
INC., NORTH TEXAS STATE	§	
SOCCER ASSOCIATION, INC. and	§	
DAVID ARCINIEGA,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S REQUESTS FOR PRODUCTION OF DOCUMENTS

TO: Defendant, David Arciniega, 1917 Apollo Road, #200A, Garland, Texas, 75044; and
Defendant, Garland Soccer Association, Inc., by and through its President, David Arciniega, 1917 Apollo Road, #200A, Garland, Texas, 75044.

Plaintiff, Heather Dobrott, pursuant to Rule 196 of the Texas Rules of Civil Procedure, requests Defendant to produce, within fifty (50) days of service of this request, the information or material described below in accordance with the Texas Rules of Civil Procedure at the offices of Plaintiff's attorney, Susan Johnson Foster, at 2500 Dallas Parkway, Suite 108, Plano, Texas, 75093. Electronically stored data should be produced in paper form.

DEFINITIONS

1. "GSA" means Defendant, Garland Soccer Association, Inc., and its officers, Directors, employees, agents, and representatives.
2. "NTSSA" and "North Texas State Soccer Association" means Defendant, North Texas State Soccer Association, Inc., and its officers, directors, employees, agents, and representatives.
3. Unless otherwise specified, the time period to which these requests for production apply is the time period during which David Arciniega has been the GSA President.
4. All requests for "correspondence" include email.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: All contracts and agreements between GSA and Jevin, Inc.

RESPONSE:

REQUEST NO. 2: All financial records showing all payments by Jevin, Inc. to GSA.

RESPONSE:

REQUEST NO. 3: All financial records that reflect slow payments, missed or missing payments, and overcharges by Jevin, Inc. to GSA.

RESPONSE:

REQUEST NO. 4: With respect to any slow payments, missed or missing payments and overcharges to GSA by Jevin, Inc, all correspondence, including email between (a) GSA, David Arciniega, Paula Tiffin, or Sam Perry on one hand, and (b) Jevin, Inc. or its owner Daniel Ptak on the other hand.

RESPONSE:

REQUEST NO. 5: All documents, materials, correspondence and emails that were made available to GSA member coaches related to slow payments, missed or missing payments, and overcharges to GSA by Jevin, Inc.

RESPONSE:

REQUEST NO. 6: All documents, materials, correspondence and emails that were provided to the GSA Board by GSA's Executive Committee, office manager, President, or Treasurer related to slow payments, missed or missing payments, and overcharges by Jevin, Inc. to GSA.

RESPONSE:

REQUEST NO. 7: All documents, materials, correspondence and emails reflecting all the financial records that were made available to North Texas State Soccer Association concerning any slow payments, missed or missing payments, and overcharges by Jevin, Inc. to GSA.

RESPONSE:

REQUEST NO. 8: All correspondence, including email, between or among (a) David Arciniega, Sam Perry, Paula Tiffin, Heather Dobrott or any other member of GSA on one hand and (b) North Texas State Soccer Association on the other hand concerning the slow payments, missed or missing payments and overcharges by Jevin, Inc. to GSA.

RESPONSE:

REQUEST NO. 9: All documents reflecting reports or complaints made to law enforcement concerning missing money from the GSA spring 2013 soccer season as discussed in the June 30, 2013 GSA Executive Committee Meeting minutes.

RESPONSE:

REQUEST NO. 10: All documents and correspondence, including email, that reflect that the payment processor Corduro, Inc. was responsible for any missing funds owed by Jevin, Inc. to GSA.

RESPONSE:

REQUEST NO. 11: All documents and correspondence, including email, that reflect Jevin, Inc. sought and was not approved for a loan to cover the missing funds owed by Jevin, Inc. to GSA.

RESPONSE:

REQUEST NO. 12: All documents and correspondence that reflect that a lawsuit had been filed by Jevin, Inc. and/or Daniel Ptak against Corduro, Inc. as David Arciniega told the GSA members verbally in September 2013 and in the minutes published in the November 2013 coaches' letter.

RESPONSE:

REQUEST NO. 13: All documents that pertain to the \$50,000.00 in total losses that David Arciniega claimed during a GSA Board Meeting that Jevin, Inc. suffered due to Corduro, Inc. handling the payments for various entities, including but not limited to GSA, which entities used/use the Jevin, Inc. software.

RESPONSE:

REQUEST NO. 14: All correspondence, including email between (a) GSA or North Texas State Soccer Association on one hand and (b) Corduro, Inc. on the other hand.

RESPONSE:

REQUEST NO. 15: All documents and correspondence, including email, that reflect any work David Arciniega performed for Jevin, Inc.

RESPONSE:

REQUEST NO. 16: All documents and correspondence, including email, related to any contract or agreement between Jevin, Inc. and GSA.

RESPONSE:

REQUEST NO. 17: All contracts or agreements between Jevin, Inc. and David Arciniega.

RESPONSE:

REQUEST NO. 18: All documents and correspondence, including email, related to any contracts between Jevin, Inc. and David Arciniega.

RESPONSE:

REQUEST NO. 19: All correspondence, including email, between David Arciniega and the NTSSA lawyer(s) concerning any slow payments, missed or missing payments or overcharges by Jevin, Inc. to GSA.

RESPONSE:

REQUEST NO. 20: All correspondence, documents, and evidence that reflect that Heather Dobrott instructed in the placement of Coach Dan Medina and his son on the same GSA team as stated in the charges filed against her by David Arciniega.

RESPONSE:

REQUEST NO. 21: All documents that reflect the A & D (Appeals & Discipline) process as it is carried out by GSA.

RESPONSE:

REQUEST NO. 22: All documents that reflect the A & D (Appeals & Discipline) process as it is carried out by NTSSA.

RESPONSE:

REQUEST NO. 23: All documents and correspondence, including email, between or among David Arciniega and/or Kimberley Lawrence Verity and NTSSA related to the charges that Plaintiff and her fellow GSA Director instructed in the placement of a coach and his son on the same GSA team.

RESPONSE:

REQUEST NO. 24: All communications, including email, between GSA and Coach Dan Medina regarding his son's placement on the same GSA team coached by Dan Medina.

RESPONSE:

REQUEST NO. 25: All GSA policies and procedures related to GSA "board hearings," including but not limited to the proper channels of appeal for this alleged procedure.

RESPONSE:

REQUEST NO. 26: All GSA policies and procedures regarding a No Confidence Vote.

RESPONSE:

REQUEST NO. 27: All No Confidence petitions filed against David Arciniega and Heather Dobrott.

RESPONSE:

REQUEST NO. 28: All correspondence, including email, between (a) Kimberly Lawrence Verity or David Arciniega on one hand and (b) NTSSA on the other hand concerning the No Confidence petitions filed against Mr. Arciniega and Heather Dobrott.

RESPONSE:

REQUEST NO. 29: All other correspondence, including email, regarding the No Confidence petitions filed against David Arciniega and Heather Dobrott.

RESPONSE:

REQUEST NO. 30: All documents which reflect that contacting NTSSA for an appeal, grievance, question, or help is an appropriate grounds for a GSA No Confidence vote.

RESPONSE:

REQUEST NO. 31: All documents reflecting that a GSA Board Member's vote at a regularly scheduled meeting is appropriate grounds for a GSA No Confidence vote.

RESPONSE:

REQUEST NO. 32: All documents reflecting that a GSA member coach or GSA Director's vote for a candidate not currently in office for a GSA board position is appropriate grounds for a GSA No Confidence vote.

RESPONSE:

REQUEST NO. 33: All documents related to the training and orientation of new Board Members of GSA during the last three years.

RESPONSE:

REQUEST NO. 34: All documents reflecting the GSA protocol, policies, and procedures for the use of proxies at GSA meetings and elections.

RESPONSE:

REQUEST NO. 35: All documents reflecting the actual use of proxies in elections since David Arciniega was elected GSA President, including the proxies used during this period.

RESPONSE:

REQUEST NO. 36: All correspondence between or among Gayle Brandt, David Arciniega and/or Kimberley Lawrence Verity regarding proxies given to referees and/or instructing referees for whom they are to vote in a GSA election.

RESPONSE:

REQUEST NO. 37: All documents reflecting the attendance and voting records for GSA elections since David Arciniega became GSA President, including but not limited to proxies.

RESPONSE:

REQUEST NO. 38: All documents that reflect the response of GSA and NTSSA to children being molested by GSA assistant coach, Bernado Mondragon-Guzman, and his being criminally charged and convicted charged for said offense, including but not limited to changes in protocol, policies, procedures, rules, instructional materials for coaches, educational materials for parents, and the formation of committees.

RESPONSE:

REQUEST NO. 39: All documents that reflect GSA player pool protocol, policies, and procedures including but not limited to any reports on said subject prepared for NTSSA by David Arciniega.

RESPONSE:

REQUEST NO. 40: All GSA Board Meeting Minutes and Board Member Reports generated since David Arciniega was elected President of GSA.

RESPONSE:

REQUEST NO. 41: All documents that reflect members of the GSA Board being brought up on charges, or subjected to "board hearings" or No Confidence votes since David Arciniega was elected GSA President, including but not limited to No Confidence petitions, voting records on No Confidence votes, and minutes or documents reflecting Board hearings concerning charges and No Confidence votes.

RESPONSE:

REQUEST NO. 42: All documents that reflect the protocol, policies and procedures for bid proposals for construction companies wishing to bid to do paid work for GSA.

RESPONSE:

REQUEST NO. 43: All documents that reflect retention rates for coaches and referees in GSA for the years David Arciniega has served as GSA President.

RESPONSE:

REQUEST NO. 44: All documents reflecting the total number of players for GSA for each of the past 10 years.

RESPONSE:

REQUEST NO. 45: All documents and correspondence, including email, reflecting GSA open and closed meeting policies and procedures for Board Meetings, general meetings, and age group specific meetings.

RESPONSE:

REQUEST NO. 46: All correspondence, including email, between David Arciniega and GSA Director Crystal Martin concerning Luke and Dad Construction (the company that she and her husband co-own) meeting with Mr. Arciniega to discuss construction work for GSA.

RESPONSE:

REQUEST NO. 47: All documents and correspondence that reflect GSA Vice President Piney Burch-Walser's investigation into Mr. Stephen Luke Martin's restrictions as a sex offender and whether Director Crystal Martin allowed him access to GSA corporate documents and information about GSA soccer participants who are minors.

RESPONSE:

REQUEST NO. 48: All documents and correspondence that reflect NTSSA's investigation into Mr. Stephen Luke Martin's restrictions as a sex offender and whether Director Crystal Martin allowed him access to corporate documents, including but not limited to information about minors enrolled in GSA.

RESPONSE:

REQUEST NO. 49: All documents that reflect the GSA Whistleblower Policy and NTSSA Whistleblower Policy for the last three years, including but not limited to how each policy is enforced and implemented and who is responsible for assuring compliance with said policy.

RESPONSE:

REQUEST NO. 50: All documents reflecting the absences of Director Angela Bowen-Hearn from GSA Board Meetings.

RESPONSE:

REQUEST NO. 51: All correspondence, including email, concerning the absences of GSA Director Angela Bowen-Hearn from GSA Board Meetings, including but not limited to the original complaint of Heather Dobrott about these matters, all forwarded copies of the original complaint by Heather Dobrott, and all communications, including email, with Mrs. Bowen-Hearn about this matter.

RESPONSE:

REQUEST NO. 52: All documents reflecting GSA Vice President Piney Burch-Walser's initiation of an investigation into the complaint of Heather Dobrott about GSA Director Bowen-Hearn being forwarded to Mrs. Bowen-Hearn in possible violation of the GSA Whistleblower's Policy.

RESPONSE:

REQUEST NO. 53: All documents reflecting that GSA Vice President Piney Burch-Walser investigated the incident at the Winter's Field House on Friday November 7, 2014 that she and David Arciniega personally witnessed that was instigated by GSA Director Bowen-Hearn as result of her being made aware of Heather Dobrott's complaint concerning Bowen-Hearn's excessive absences.

RESPONSE:

REQUEST NO. 54: All documents and correspondence, including email, constituting or related to Plaintiff's formal complaint to GSA Vice President Piney Burch-Walser concerning the rigging of GSA elections and use of proxies.

RESPONSE:

REQUEST NO. 55: All GSA policies and procedures reflecting the limit on the number of teams an individual GSA coach may take as the registered GSA head coach.

RESPONSE:

REQUEST NO. 56: All documents and correspondence, including email, related to the black listing of GSA coaches, including but not limited to Sherry Foster, being blocked from coaching teams that were in need of a coach that she wanted to coach.

RESPONSE:

REQUEST NO. 57: All documents and correspondence, including email, regarding complaints and concerns that GSA Board Meetings constitute a hostile environment, including the GSA response to complaints or concerns that GSA Board Meetings constitute a hostile environment.

RESPONSE:

REQUEST NO. 58: All documents reflecting the GSA and NTSSA Code of Ethics.

RESPONSE:

REQUEST NO. 59: All documents, policies and procedures constituting or relating to the GSA and NTSSA Code of Ethics and reflecting how the policies and procedures are implemented and what the protocol and procedure is for cases where violations of the Code of Ethics may have occurred.

RESPONSE:

REQUEST NO. 60: All documents, policies and procedures reflecting how to file grievances regarding GSA or a GSA Officer or Director and the protocols, policies and procedures for responding to such grievances.

RESPONSE:

REQUEST NO. 61: All documents and correspondence, including email, related to the loss of associations to play soccer interleague with GSA in the past 4 years.

RESPONSE:

REQUEST NO. 62: All documents related to the retention and location of GSA corporate records and the availability of said records to GSA Board Members, coaches and others including but not limited to Board Meeting minutes and Board Member monthly reports.

RESPONSE:

REQUEST NO. 63: All documents, policies and procedures that reflect who is responsible for the hiring and firing of paid employees of GSA.

RESPONSE:

REQUEST NO. 64: All documents and correspondence, including email, that reflect Gayle Brandt's removal as the GSA registrar and her assignment to another GSA position.

RESPONSE:

REQUEST NO. 65: All documents reflecting the GSA and NTSSA policies and procedures for dealing with special needs players.

RESPONSE:

REQUEST NO. 66: All documents and correspondence, including email, concerning the special needs player on the GSA team for which Heather Dobrott served as manager.

RESPONSE:

REQUEST NO. 67: All documents and correspondence that reflect the Hart Nakwaasah A & D (Appeals & Discipline) decision by NTSSA in 2012 and the implementation of the recommendations and decisions therein.

RESPONSE:

REQUEST NO. 68: All documents that reflect the GSA protocol, policies, and procedures for GSA elections, including but not limited to requirements for informing the President and others of candidates that have had their names placed on the ballot.

RESPONSE:

REQUEST NO. 69: All documents, correspondence, including email, and phone records, including email, that reflect when and how David Arciniega or any other individuals were informed that Heather Dobrott and Celeste Gonzales were running for office in the December 2014 GSA election.

RESPONSE:

REQUEST NO. 70: All documents and correspondence, including email, to and between any GSA Board Members or office staff that reflect that the season timeline / registration dates cause problems for the GSA office staff or members, i.e., the GSA registration deadline is too close to the beginning of the soccer season.

RESPONSE:

REQUEST NO. 71: All documents and correspondence, including email that reflect any problems or issues with the Jevin, Inc. software.

RESPONSE:

REQUEST NO. 72: All documents and correspondence, including email, that reflect GSA might be or was functioning as a tester or evaluator for the Jevin, Inc. software.

RESPONSE:

REQUEST NO. 73: All documents that reflect the GSA protocol, policy and procedure for coaches' participation in age group and general coaches meetings, including but not limited to whether coaches are allowed to share their concerns, make motions, and ask questions of candidates running for office in GSA during the GSA elections.

RESPONSE:

REQUEST NO. 74: All documents that reflect any actions proposed or taken to protect GSA's monies including alternative software providers to Jevin, Inc. and/or alternate payment processors to Jevin, Inc. in response to the fact that funds were owed to GSA from Jevin, Inc. in the Spring of 2013.

RESPONSE:

REQUEST NO. 75: All documents that reflect the GSA protocol, policies, and procedures for a Board Member or members to call a special Board Meeting.

RESPONSE:

REQUEST NO. 76: All documents and correspondence, including email, that reflect GSA Directors Heather Dobrott and Donna Freeman were denied a board hearing on the money owed by Jevin, Inc. to GSA when requested in writing by Heather Dobrott to the entire Board.

RESPONSE:

REQUEST NO. 77: All documents that reflect the GSA corporate documents and records to which GSA Directors have/had access and the GSA corporate documents that the Board Members are/were prohibited from accessing.

RESPONSE:

REQUEST NO 78: All documents that reflect the GSA President's power to prohibit the GSA members' and GSA Directors' access to GSA corporate documents and correspondence, including but not limited to those related to Joe Garcia's request to have his daughter placed on the team he had agreed to coach and those related to the money owed by Jevin, Inc. to GSA.

RESPONSE:

REQUEST NO. 79: All documents that reflect any actual improvement in communications that Mr. Don Starkey and Mr. David Arciniega stated would result from reducing the number of GSA age group Directors.

RESPONSE:

REQUEST NO. 80: All documents and correspondence, including email, that reflect the GSA decision to increase the number of GSA major league Directors, the actual increase of the number of GSA major league Directors, and the subsequent reduction of the total number of GSA age group Directors.

RESPONSE:

REQUEST NO. 81: All documents and correspondence, including email, that reflect a change and/or revision in policies and procedures as a result of Heather Dobrott and another GSA Director being brought up on charges in a "board hearing" for instructing in the placement of a coach and his son on the same team and the GSA investigation Mr. Arciniega alleged was performed due to this placement of the coach and player.

RESPONSE:

REQUEST NO. 82: All documents that reflect the GSA policies and procedures for coaches to get an item placed on the Board Meeting agenda for GSA.

RESPONSE:

REQUEST NO. 83: All correspondence, including email, concerning any requests to attend a GSA Board Meeting and/or have an item placed on the agenda since David Arciniega was elected GSA President.

RESPONSE:

REQUEST NO. 84: All correspondence, including email, and text messages between GSA Board Member Don Starkey and David Arciniega reflecting comments and discussion about the fall 2014 Major League Coaches Meeting where Director Don Shell stated that “GSA is in crisis.”

RESPONSE:

REQUEST NO. 85: All documents that reflect NTSSA having jurisdiction over member associations and their members.

RESPONSE:

REQUEST NO. 86: All documents and correspondence that reflect the policies and procedures related to GSA Directors making complaints to law enforcement, including but not limited to police reports and including whether a GSA Director’s complaint to law enforcement is an appropriate ground for a GSA No Confidence vote.

RESPONSE:

REQUEST NO. 87: All correspondence, including email, between anyone in GSA and NTSSA discussing fiduciary duties of GSA Board Members.

RESPONSE:

REQUEST NO. 88: All documents and correspondence, including email, reflecting Heather Dobrott's question as to whether the Chevrolet Fundraising Raffle as held by GSA was in compliance with applicable laws.

RESPONSE:

REQUEST NO. 89: All documents and correspondence, including email, that reflect when GSA and NTSSA are responsible for indemnification of GSA Directors, including but not limited to a situation where a GSA Director's report to law enforcement concerning another Director requires the services of an attorney for the GSA Director reporting to law enforcement.

RESPONSE:

REQUEST NO. 90: All documents that reflect the roles, duties, and responsibilities of Board Members and officers of GSA and NTSSA.

RESPONSE:

REQUEST NO. 91: All documents that reflect the members of the GSA player pool committee for the past 6 years.

RESPONSE:

REQUEST NO. 92: All documents that reflect the members of the A & D Committee for the past 6 years including but not limited to the records of those members sent to NTSSA as required.

RESPONSE:

REQUEST NO. 93: All documents that reflect the members of the Rules and By-laws Committee of GSA and NTSSA for the past 6 years.

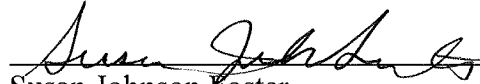
RESPONSE:

REQUEST NO. 94: All documents and correspondence that reflects the formation of and hearings held by GSA's Ethics Committee as NTSSA Rule 11.1.1 requires.

RESPONSE:

Respectfully submitted,

LAW OFFICE OF FOSTER & FOSTER, P.C.

A handwritten signature in black ink, appearing to read "Susan Johnson Foster", is written over a horizontal line.

Susan Johnson Foster

State Bar No. 07297700

susanfoster@fosterlegal.com

Thomas J. Foster

State Bar No. 07299000

tomfoster@fosterlegal.com

2500 Dallas Parkway, Suite 108

Plano, Texas 75093

Telephone: 972-991-1606

Facsimile: 972-202-4581

CAUSE NO. _____

HEATHER DOBROTT,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	
	§	DALLAS COUNTY, TEXAS
GARLAND SOCCER ASSOCIATION,	§	
INC., NORTH TEXAS STATE	§	
SOCCER ASSOCIATION, INC. and	§	
DAVID ARCINIEGA,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFFS' REQUESTS FOR DISCLOSURE TO
DEFENDANT DAVID ARCINIEGA

TO: Defendant, David Arciniega, 1917 Apollo Road, #200A, Garland, Texas, 75044.

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are requested to disclose, within fifty (50) days of service of this request, the information and material described in Rule 194.2(a) through (l).

NO. 194.2(a): The correct names of the parties to the lawsuit.

RESPONSE:

NO. 194.2(b): The name, address, and telephone number of any potential parties.

RESPONSE:

NO. 194.2(c): The legal theories and, in general, the factual basis of your claims or defenses.

RESPONSE:

NO. 194.2(d): The amount and method of calculating economic damages.

RESPONSE:

NO. 194.2(e): The name, address, and telephone number of persons having knowledge of relevant facts, and brief statement of each identified person's connection with the case.

RESPONSE:

NO. 194.2(f): For any testifying expert:

- (1) The expert's name, address, and telephone number;
- (2) The subject matter on which the expert will testify;
- (3) The general substance of the expert's mental impressions and opinions, and a brief summary of the basis for them or documents reflecting such information;
- (4) If the expert is retained by, employed by, or otherwise subject to the control of you or your attorney;
 - (a) all documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (b) the expert's current resume and bibliography;

RESPONSE:

NO. 194.2(g): Any indemnity and insuring agreements described in Rule 192.3(f) *Tex.R.Civ.P.*

RESPONSE:

NO. 194.2(h): Any settlement agreements described in Rule 192.3(g) *Tex.R.Civ.P.*

RESPONSE:

NO. 194.2(i): Any witness statements described in Rule 192.3(h) *Tex.R.Civ.P.*

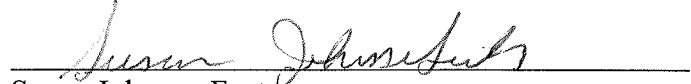
RESPONSE:

NO. 194.2(l): The name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE:

Respectfully submitted,

LAW OFFICE OF FOSTER & FOSTER, P.C.

A handwritten signature in cursive script, appearing to read "Susan Johnson Foster", is written over a horizontal line.

Susan Johnson Foster

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Thomas J. Foster

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Telephone: 972-991-1606

Facsimile: 972-202-4581

CAUSE NO. _____

HEATHER DOBROTT,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	
	§	DALLAS COUNTY, TEXAS
GARLAND SOCCER ASSOCIATION,	§	
INC., NORTH TEXAS STATE	§	
SOCCER ASSOCIATION, INC. and	§	
DAVID ARCINIEGA,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

**PLAINTIFFS' REQUESTS FOR DISCLOSURE TO
DEFENDANT GARLAND SOCCER ASSOCIATION, INC.**

TO: Defendant, Garland Soccer Association, Inc., by and through its President, David Arciniega, 1917 Apollo Road, #200A, Garland, Texas, 75044.

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are requested to disclose, within fifty (50) days of service of this request, the information and material described in Rule 194.2(a) through (l).

NO. 194.2(a): The correct names of the parties to the lawsuit.

RESPONSE:

NO. 194.2(b): The name, address, and telephone number of any potential parties.

RESPONSE:

NO. 194.2(c): The legal theories and, in general, the factual basis of your claims or defenses.

RESPONSE:

NO. 194.2(d): The amount and method of calculating economic damages.

RESPONSE:

NO. 194.2(e): The name, address, and telephone number of persons having knowledge of relevant facts, and brief statement of each identified person's connection with the case.

RESPONSE:

NO. 194.2(f): For any testifying expert:

- (1) The expert's name, address, and telephone number;
- (2) The subject matter on which the expert will testify;
- (3) The general substance of the expert's mental impressions and opinions, and a brief summary of the basis for them or documents reflecting such information;
- (4) If the expert is retained by, employed by, or otherwise subject to the control of you or your attorney;
 - (a) all documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (b) the expert's current resume and bibliography;

RESPONSE:

NO. 194.2(g): Any indemnity and insuring agreements described in Rule 192.3(f) *Tex.R.Civ.P.*

RESPONSE:

NO. 194.2(h): Any settlement agreements described in Rule 192.3(g) *Tex.R.Civ.P.*

RESPONSE:

NO. 194.2(i): Any witness statements described in Rule 192.3(h) *Tex.R.Civ.P.*

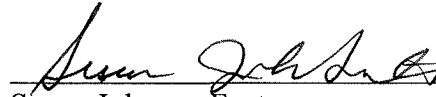
RESPONSE:

NO. 194.2(l): The name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE:

Respectfully submitted,

LAW OFFICE OF FOSTER & FOSTER, P.C.

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Susan Johnson Foster

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