

**FILED**

**2005 NOV 21 11:54 AM  
JUSTICE COURT  
PCT. 3 PT. 2  
COLLIN COUNTY, TEXAS**

CASE NO: **CV-06-77**

JAMES DAVID NUNN,

Plaintiff,

vs.

COLLIN COUNTY GAY & LESBIAN ALLIANCE,

INC. (CCGLA) BOARD OF DIRECTORS, a

Texas Nonprofit Corporation (Dawnetta

Miller, Registered Agent; Morris Garcia,

President; Rosalinda Martinez, Treasurer;

Michael Agan, Vice President; Wendell Mott,

Secretary; and Kenneth Stowe, Director),

Defendant

IN THE JUSTICE CLAIM COURT

PRECINCT 3\_\_

COLLIN COUNTY, TEXAS

STATEMENT OF CLAIM

TO THE HONORABLE COURT:

I, James David Nunn, PLAINTIFF, whose mailing address is PO Box 1533, Frisco Texas 75034 (Collin County); telephone (214) 868-4701, being duly sworn on oath, deposes and says that:

The above named DEFENDANT, a Texas Nonprofit Corporation, can be notified and/or served through **Dawnetta Miller, Registered Agent, 3321 Ashington Drive, Plano, Texas 75023 (Collin County)**; and

that the DEFENDANT has failed to fulfill the legal obligations required of a Board of Directors as outlined in the CCGLA Articles of Incorporation, the CCGLA Bylaws, and Chapter 22 of the Business Organization Code (Texas Nonprofit Corporation Act), by:

- Failing to represent the best interests of the membership of CCGLA by failing to take actions to resolve the issues that have precipitated this legal action;

- Failing to adhere to the CCGLA Bylaws in relation to the provisions of the bylaws as they relate to written consents of directors for actions taken outside a regular meeting;
- Failing to recognize the PLAINTIFF'S right as a director of the board to withhold his consent to written action in accordance with the CCGLA Bylaws;
- Failing to adhere to the CCGLA Bylaws by providing the required notice for a special meeting;
- Failing to provide adequate notice of charges relating to actions seeking to remove the PLAINTIFF as a director at a special meeting of the CCGLA Board of Directors on Sunday, November 20, 2005;
- Falsely accusing the PLAINTIFF for undertaking "inimical activity towards the membership and the organization" and stating this as the claim for the PLAINTIFF'S removal as a member of the organization in a notice of special meeting to be held on December 1, 2005;
- Falsely asserting that actions taken by the Board of Trustees of the Collin Equality Foundation (a separate, legal Texas nonprofit corporation), of which the PLAINTIFF is president and chair were illegal, and that these actions were the sole responsibility of the PLAINTIFF;
- The PLAINTIFF further contends that individuals of the CCGLA Board of Directors have operated against the spirit and the mission and goals of the corporation, by acting in a hostile manner towards the PLAINTIFF during meetings and failing to act in a professional manner in the conduct of business of the corporation.

The PLAINTIFF contends that he has not violated any Bylaws or Articles of the corporation, and has acted in good faith, and in the fullest interests of the corporation.

The PLAINTIFF is seeking the following course of action to be taken as a direct result of this legal action:

- Compel the CCGLA Board of Directors to provide the information as requested on November 20, 2005, and in accordance with the CCGLA Bylaws, so that a special meeting can be called of the CCGLA membership to learn about, and address the issues raised in this legal action;
- Seek to overturn the decision of the Board of Directors of November 20, 2005 to remove the PLAINTIFF as a director, and for the PLAINTIFF to be reinstated as a director;
- Seek to prevent the special meeting being held on December 1, 2005 to consider expulsion of the PLAINTIFF; or in the event that the meeting has occurred and termination or expulsion occurs, seek to overturn the decision to expel the PLAINTIFF, and for the PLAINTIFF to be reinstated as a member;
- Seek to require members of the board of directors to comply with the rules of the corporation, and the Texas Nonprofit Corporation Act; and
- Seek reimbursement of costs associated with this legal action.

In further support of this statement of claim, the PLAINTIFF has attached the following documents:

- Exhibit “A” is the Articles of Incorporation of Collin County Gay and Lesbian Alliance, Inc. These are included for reference the legal standing of the nonprofit corporation.
- Exhibit “B” is the Bylaws of Collin County Gay and Lesbian Alliance, Inc. These are included for reference to the rules that govern the calling of special meetings, and the legal powers relating to written consent.
- Exhibit “C” is the search from the Texas Secretary of State’s office listing the registered agent for Collin County Gay and Lesbian Alliance, Inc. as Dawnetta Miller.
- Exhibit “D” is a timeline outlining the exchange of emails between members of the Board of Directors in relation to actions taken by written consent. Exhibits “D-1 through D-6” show the notated emails listed in this timeline.

- Exhibit “E” is the special notice for the meeting to be held on November 20, 2005 calling for the removal of the PLAINTIFF from the board. Exhibit “E-1” is the accompanying email received which had the notice attached.
- Exhibit “F” is an email from the PLAINTIFF requesting information on the charges being used against the PLAINTIFF for the purposes of the special meeting.
- Exhibit “G” are the “Dismissal Items” provided to the PLAINTIFF at the meeting held on Sunday, November 20, 2005. It should be noted that an email (Exhibit “G-1”) was sent from CCGLA President, Morris Garcia on Sunday, November 20, 2005 at 8:33 a.m. which contained this document, however the PLAINTIFF was not aware of this until the meeting.
- Exhibit “H” is notice of a special meeting calling for the expulsion of the PLAINTIFF from the corporation as a member. Exhibit “H-1” is the accompanying email received which had the notice attached.
- Exhibit “I” is a letter from the PLAINTIFF to Ms. Rosalinda Martinez, CCGLA Treasurer, requesting examination of the membership records of CCGLA, hand-delivered during the special meeting on November 20, 2005.

\_\_\_\_\_  
/s/  
Plaintiff

On this the twenty-first day of November, 2005, the above named person appeared and swore on an affidavit under oath that the above information set out herein is true and correct.

Subscribed and Sworn to before me this  
twenty-first day of November, 2005.

\_\_\_\_\_  
/s/  
DAMIR SOMIC  
NOTARY PUBLIC, STATE OF TEXAS  
My Commission Expires  
July 24, 2006