

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED
SEP 16 2016

CANDACE LOUISE CURTIS &
RIK WAYNE MUNSON

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David J. Bradley, Clerk of Court

VS.

CIVIL ACTION NO. 4:16-cv-01969

CANDACE KUNZ-FREED,
ALBERT VACEK, JR., ET AL

Defendant Anita Brunsting's Rule 12(b)(6)
Motion to Dismiss for Plaintiffs' Failure to State a Claim

Plaintiffs sued me, defendant, Anita Brunsting, along with eleven (11) attorneys, two (2) judges, and a court reporter for alleged RICO violations. The complaint should be dismissed because the plaintiffs fail to state a claim upon which relief can be granted.

Plaintiffs allege that I am involved in a racketeering enterprise in a probate case pending in Harris County Probate Court No. 4, under C.A. No. 412,249-401, *Estate of Nelva Brunsting, Deceased*. Plaintiffs refer to this alleged racketeering entity as the "Harris County Tomb Raiders, a.k.a. the Probate Mafia." Plaintiffs allege, among other things, that I engaged in illegal wiretapping, theft/extortion, forgery of internal revenue forms, wire fraud, and fraudulent transfer of securities in furtherance of a county-wide conspiracy that negatively effected the plaintiffs.

As an example of the lack of specificity of their claims as to myself or my attorneys, the plaintiffs claim that I and one of my attorneys engaged in illegal wiretapping merely because there were recordings of phone messages from the decedent's (my mother's) answering machine produced during the course of discovery and produced as required by law. In addition, their claim fails to explain how I could cause a wiretap on my mother's phone, or how my attorneys could be involved

in obtaining recordings that predate their involvement in the case.

Another example comes from plaintiffs' theft/extortion claims, which state that my attorneys and I used an "extortion instrument" to defend against plaintiff Curtis' demand for a disbursement. There are at least two problems with this allegation: (1) the alleged "extortion instrument" was created by my mother's attorney and executed before I became a trustee; and (2) there are no facts to show how, where, when, what, or why I used this alleged "extortion instrument" to harm the plaintiffs. Nor do the plaintiffs' explain the type of harm I supposedly caused.

The alleged "extortion instrument" is a qualified beneficiary trust (QBT) prepared by defendant Alfred Vacek, Jr. at the request of his client (my mother), Nelva Brunsting, years before the alleged act of extortion. Neither I, nor Mr. Mendel, nor Mr. Featherston, or anyone else associated with the Mendel Law Firm were involved in drafting the QBT. Without an explanation of how I participated in the creation of the instrument, or knew that the QBT could be used to extort the plaintiffs, there is not sufficient information in the complaint to allow me to defend against this claim. In addition, the term "extortion" generally means taking something of value by force or threats, and there are no facts to show that I took anything by force or threat.

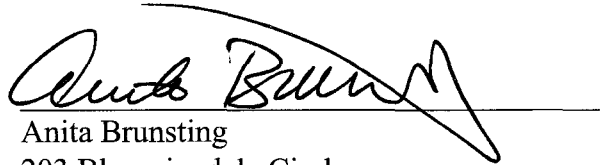
In short, plaintiffs' claims are vague, conclusory, and based entirely on inference and speculation.

I incorporate by reference as though set forth in full herein the arguments and legal authorities found in Defendants Candace Kunz-Freed and Albert Vacek, Jr.'s Motion to Dismiss for Failure to State a Claim (Docket Entry 19, 09/07/16) and Bobbie G. Bayless' Motion to Dismiss for Failure to State a Claim (Docket Entry 23, 09/07/16), as they apply to the claims against me.

Prayer

I pray that the Court grant my motion to dismiss for plaintiffs' failure to state a claim and for such other and further relief, general and special, legal and equitable, to which I may be entitled to receive.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anita Brunsting", is written over a horizontal line. The signature is cursive and somewhat stylized.

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Pro Se Defendant

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13. Jill Willard Young Defendant
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14. Bobbie Bayless Defendant
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15. Christine Riddle Butts Defendant
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16. Clarinda Comstock Defendant
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17. Toni Biamonte
Office of the Court Reporter
Harris County Civil Courthouse
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Defendant

on this 15TH day of September 2016.


Anita Brunsting