

United States District Court  
Southern District of Texas  
FILED

SEP 21 2016

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

David J. Bradley, Clerk of Court

CANDACE LOUISE CURTIS &  
RIK WAYNE MUNSON

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VS.

CIVIL ACTION NO. 4:16-cv-01969  
(Alfred H. Bennett)

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

**Defendant Amy Brunsting’s Rule 12(b)(6)  
Motion to Dismiss for Plaintiff’s Failure to State a Claim**

Plaintiffs sued me, defendant, Amy Brunsting, along with two state judges, a court reporter, and eleven attorneys 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*. Nelva Brunsting was my mother. Plaintiffs allege that I conspired with two state judges, a court reporter, numerous attorneys (including attorney Jason Ostrom who was hired by the plaintiff Candace Brunsting) in a “secret society” to engage in illegal wiretapping, theft, extortion, forgery, wire fraud, and fraudulent transfer of securities as part of a racketeering group they refer to as “Harris County Tomb Raiders” and “the Probate Mafia”. Plaintiffs claim that they were harmed by this alleged conspiracy. I know of no conspiracy, nor have I ever conspired with anyone regarding any of these matters. Plaintiffs have provided no facts to support their complaints.

Plaintiffs claim that I intercepted, recorded, possessed, concealed, manipulated, and disseminated illegal wiretap recordings of conversations made on my mother’s telephone line. I

have been told that these are recorded phone messages that were found on my mother's answering machine. It is my understanding that these recordings were made while my mother was alive. I have never heard any of these recordings and my mother never discussed them with me. I have never possessed any of these recordings. Plaintiffs fail to provide facts to show that I possessed or in any way handled these recordings.

Plaintiffs claim that my answers to Plaintiff Curtis' interrogatories posed in her lawsuit against me in the Harris County Probate Court contained extortion threats. I have no idea what she is referring to. I made no threats against Plaintiff Curtis or anyone else in my replies to her questions.

Plaintiffs refer to a "heinous extortion instrument", but I believe they are referring to the qualified beneficiary trust (QBT) agreement that was executed by my mother, not by me. This document was executed before I became a trustee. I did not become a trustee until after the death of my mother, and I had no involvement with or authority over my mother's financial or trust matters while she was living. I had no involvement in the preparation of the QBT. After reading the QBT, I could not find any language in the document that could be used to extort the plaintiffs. There are no facts to show that I took or extorted anything from the plaintiffs.

Plaintiffs allege that attorney Bernard Matthews and I filed a false affidavit in a suit that Candace Curtis filed against me and others (Candace Louise Curtis v. Anita Brunsting et al., No. 4:12-cv-00592). The suit was a *lis pendens* filed by Plaintiff Curtis to prevent the sale of our mother's home. Mother passed away on November 11, 2011. After her death, her home was appraised and put up for sale. In 2012 a buyer offered us more than the appraised value, so we accepted the offer. The transaction was handled by a reputable title company. I did not file any

false affidavits during this proceeding or any other proceeding. Plaintiffs provide no information of the document in question, and they provide no facts regarding this claim.

Finally, I have never met nor spoken to one of the plaintiffs, Rik Munson. I have never corresponded with him prior to the filing of this suit. I have no business or personal contracts with or obligations to Rik Munson. Said plaintiff has not provided an explanation of how I caused him any harm.

Plaintiffs' claims are vague, conclusory, and based entirely on inference and speculation.

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 specific, legal and equitable, to which I may be entitled to receive.

Respectfully submitted,

//s// Amy Brunsting

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Amy Brunsting  
2582 Country Ledge Drive  
New Braunfels, Texas 78132  
Pro Se Defendant

**Certificate of Service**

I certify that a true and correct copy of the foregoing instrument was served on the following persons via first class mail:

- |  |                   |
|--|-------------------|
| 1. Candace L. Curtis<br>218 Landana Street<br>American Canyon, CA 94503<br>925-759-9020  | Plaintiff, Pro Se |
| 2. Rik Wayne Munson<br>218 Landana Street<br>American Canyon, CA 94503<br>925-349-8348   | Plaintiff, Pro Se |
| 3. Candace Kunz-Freed<br>c/o Cory S. Reed<br>Thompson, Coe, Cousins & Irons, L.L.P.<br>One Riverway, Suite 1400<br>Houston, TX 77056 | Defendant         |
| 4. Albert Vacek, Jr.<br>c/o Cory S. Reed<br>Thompson, Coe, Cousins & Irons, L.L.P.<br>One Riverway, Suite 1400<br>Houston, TX 77056  | Defendant         |
| 5. Bernard Lyle Matthews III<br>11777 Katy Freeway, Suite 300 South<br>Houston, TX 77079   | Defendant         |
| 6. Anita Kay Brunsting<br>203 Bloomingdale Circle<br>Victoria, TX 77904  | Defendant         |
| 7. Neal E. Spielman<br>Griffin & Matthews<br>1155 Dairy Ashford, Suite 300<br>Houston, TX 77079                                      | Defendant         |
| 8. Bradley Featherston<br>Featherston Tran PLLC<br>20333 State Highway 249, Suite 200<br>Houston, TX 77070                           | Defendant         |

9. Stephen A. Mendel Defendant  
The Mendel Law Firm, L. P.  
1155 Dairy Ashford, Suite 104  
Houston, TX 77079
  
10. Darlene Payne Smith Defendant  
Crain, Caton & James  
Five Houston Center, 17<sup>th</sup> Floor  
1401 McKinney, Suite 1700  
Houston, TX 77010
  
11. Jason B. Ostrom Defendant  
Ostrom Morris, P. L. L. C.  
6363 Woodway, Suite 300  
Houston, TX 77056
  
12. Gregory Lester Defendant  
955 N. Dairy Ashford, Suite 220  
Houston, TX 77079
  
13. Jill Willard Young Defendant  
MacIntyre, McCulloch, Stanfield  
and Young, L. L. P.  
2900 Wesleyan, Suite 150  
Houston, TX 77027
  
14. Bobbie Bayless Defendant  
Bayless & Stokes  
2931 Ferndale  
Houston, TX 77098
  
15. Christine Riddle Butts Defendant  
Harris County Civil Courthouse  
201 Caroline, 7<sup>th</sup> floor  
Houston, TX 77002
  
16. Clarinda Comstock Defendant  
Harris County Civil Courthouse  
201 Caroline, 7<sup>th</sup> floor  
Houston, TX 77002

17. Toni Biamonte  
Office of the Court Reporter  
Harris County Civil Courthouse  
201 Caroline, 7<sup>th</sup> floor  
Houston, TX 77002

Defendant

on this 19<sup>th</sup> day of September 2016.

*//s// Amy Brunsting*

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Amy Brunsting