

NO. 2013-73422

IN THE INTEREST OF

AN UNBORN CHILD

A CHILD

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IN THE DISTRICT COURT OF

HARRIS COUNTY, T E X A S

308TH JUDICIAL DISTRICT

**RESPONDENT'S ORIGINAL COUNTERCLAIM**

A.I.F., Respondent, files this Original Counterclaim against Brittany A. Norwood ("Norwood"), Petitioner, a/k/a "B.A.N," as follows:

**I.**

**SUMMARY OF COUNTERCLAIM**

This Counterclaim is brought as a result of the groundless and baseless allegations made by Norwood in this matter as well as statements made by Norwood outside of this judicial proceeding regarding A.I.F. and his brother (identified in Norwood's Petition as Co-Respondent) which are utterly false and designed to impugn the character and reputation of A.I.F. with the intent to extort monies from A.I.F. In fact, Norwood herself has admitted that the claims for, among other things, "emotional distress," "conspiracy," and "intentional infliction of emotional distress" are absolutely false. However, to add insult to injury, Norwood has engaged in a calculated scheme to attempt to malign the character and reputation of A.I.F., solely to *attempt* to gain a financial benefit.

**II.**

**FACTUAL BACKGROUND**

Norwood has engaged in a campaign to impugn the character and reputation of AIF with the intent to extort monies from him.. In fact, Norwood has admitted in writing and verbally that her asserted tort claims before this Honorable Court for, among other things, "emotional distress," "conspiracy," and "intentional infliction of emotional distress" are false.

Norwood has alleged that A.I.F. and his brother inflicted emotional distress upon her by engaging in a "pattern of extreme and outrageous behavior" to pressure her into getting an abortion.

She also alleged that A.I.F.'s brother, Abdul Foster, "confronted" her over the decision to carry the child to term. She made this claim to third parties and further published it again on local Houston station KHOU, the latter in a taped interview where she purportedly cited verbatim threatening text messages. Her version spread throughout the Internet and was picked up by *Sports Illustrated*, NBC, *USA Today* and a number of sports-related Websites.

Yet Norwood knew full well that the text messages she referred to in her KHOU interview actually contradicted her sob story. They show there was no pressure, intimidation or harassment by Abdul Foster as the two met for dinner on November 12 and engaged in what both admitted was a difficult discussion about Norwood's options regarding her pregnancy. Following the meeting, Norwood sent a text to Abdul Foster: "Abdul, honestly I respect your opinion and I know how good of a person you are and all the people you're trying to protect and that's so genuine and admirable."

On January 12--three days after filing the amended suit alleging A.I.F. had engaged in "extreme and outrageous behavior"--Norwood met with A.I.F. and admitted those allegations were false. During the discussion, which was recorded legally, Norwood said, "I never once said that you told me to get an abortion," and "I was never in fear of my life around you." Norwood added:

"I love you and you're still the father of my child. I'm not going to let anybody desecrate your [expletive] name, and if you think for one second that I will let that happen.... That's not me at all. Like you're still the father of my child. Like you're still going to be a role model to our child. You think I'm going to let anybody like desecrate your name, especially if my baby has Foster tagged to it? Come on."

Norwood also claimed to be unaware that her attorney had put those allegations in the lawsuit and told A.I.F. she was going to instruct her attorney to withdraw the false language because "it's not fair," and to drop all plans for a temporary restraining order.

Norwood's own texts and statements present ample proof that her harassment lawsuit is nothing more than a calculated scheme to publicly malign the character and reputation of A.I.F. solely to *attempt* to gain a financial benefit. Norwood directly and through her agents have made false and defamatory statements designed to damage the character and reputation of A.I.F. Norwood

has acted with malice in making the false statements with one purpose in mind: To obtain a monetary gain. Norwood's clear and calculated conduct constitutes clear violations of Texas law and give rise to the following claims:

### III.

#### **DEFAMATION PER SE AND/OR DEFAMATION PER QUOD**

1. A.I.F. incorporates by reference each and every allegation of all other paragraphs set forth in this Counterclaim as if fully set forth herein.
2. Pursuant to the above-referenced conduct, Norwood published statements of fact that were untrue, false, and defamatory referring and/or relating to A.I.F. Norwood made these statements with actual malice causing A.I.F. to suffer pecuniary injuries. A.I.F.'s damages are apparent from the statements, per se, and as such do not, by law, have to be proven up. A.I.F. will be asking for the maximum amount of damages within the jurisdictional limits of the Court.

### IV.

#### **VIOLATION OF CHAPTER 9 OF THE TEXAS CIVIL PRACTICE & REMEDIES CODE FOR FILING GROUNDLESS AND BASELESS CLAIMS**

3. Pleading further, Norwood's false, groundless, and baseless claims asserted, violate, among other things, Chapter 9 of the Texas Civil Practices & Remedies Code. Consequently, A.I.F. seeks all court costs, expenses, and attorneys fees that he had to incur in connection with false, groundless and baseless claims asserted against him

FOR THESE REASONS, A.I.F. seeks all actual damages, consequential damages, damages to his reputation, lost income, pain and suffering, and/or mental anguish as well as exemplary damages , costs of court, pre-judgment and post-judgment interest at the highest lawful rates.

A.I.F. request general relief and all other relief to which A.I.F. may be justly entitled, in both law and/or equity.

Respectfully submitted,

ZIMMERMAN, AXELRAD,  
MEYER, STERN & WISE, P.C.

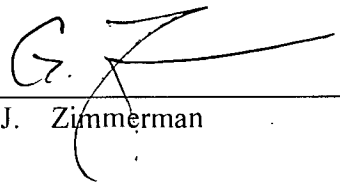
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ATTORNEYS FOR RESPONDENT,  
A.I.F.

**CERTIFICATE OF SERVICE**

I certify that on this 2<sup>nd</sup> day of January, 2014, a copy of the foregoing document was served on Douglas Ray York, York Law Firm, 3355 W. Alabama, Suite 100, Houston, Texas 77098 under to Rule 21(a) of the Texas Rules of Civil Procedure.

  
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Gary J. Zimmerman