

Stephanie Clark

DC-19-07594

CAUSE NO. _____

**TRUSTED MEDICAL CENTERS, LLC,
TRUSTED HEALTH MGMT, LLC,
TRUSTED HEALTH PHYSICIANS,
LLC AND PRIME MEDSTAFF, LLC**

Plaintiffs,

v.

**PHILLIP MICHAEL HAWK, RON
WALRAVEN, MICHELE
BROWNFIELD, JOHN SHERO, ER
ADDISON, LLC D/B/A ER NEAR ME
ADDISON, ER 2018 HOLDINGS, LLC
MEDOPS STAFFING, LLC AND
MEDOPS CONSULTING, LLC**

Defendants.

IN DISTRICT COURT OF LAW

134

NO. _____

DALLAS COUNTY, TEXAS

**PLAINTIFFS' VERIFIED ORIGINAL PETITION AND
APPLICATION FOR TEMPORARY RESTRAINING ORDER,
TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

TO THE HONORABLE COURT:

Plaintiffs, Trusted Medical Centers, LLC ("TMC"), Trusted Health MGMT, LLC ("THM"), Trusted Health Physicians, LLC ("THP"), and Prime Medstaff, LLC ("Prime Medstaff") (TMC, THM, THP and Prime Medstaff collectively "Plaintiffs") file this Verified Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction, against Michael Hawk ("Hawk"), Ron Walraven ("Walraven"), Michele Lea Brownfield ("Brownfield"), John Shero ("Shero"), ER Addison, LLC d/b/a ER Near Me Addison, ER 2018 Holdings, LLC, Medops Staffing, LLC, Medops Consulting, LLC (collectively "Defendants"), and in support thereof would respectfully show as follows:

I. DISCOVERY CONTROL PLAN

1. Pursuant to Texas Rule of Civil Procedure 190.4, Plaintiffs intend to conduct discovery under a Level 3 Discovery Control Plan.

II. NATURE OF THE ACTION AND PARTIES

2. This action is brought by TMC, THM, THP and Prime Medstaff against Hawk, Walraven, Brownfield, Shero, ER Near Me, LLC, ER 2018 Holdings, LLC, Medops Staffing, LLC and Medops Consulting, LLC to enjoin Defendants from misappropriating Plaintiffs' trade secrets and confidential information: (1) regarding its marketing and growth strategy to secure and lease emergency room facilities that were previously identified by Plaintiff, including but not limited to location at 16300 State Highway 121 in Collin County; (2) soliciting Plaintiffs' confidential financial investors; (3) soliciting and recruiting its medical staff from its emergency room facilities; and (4) to recover losses for Defendants' actions.

3. Plaintiff TMC is a limited liability company organized under Texas law with a principal place of business in Dallas County, Texas.

4. Plaintiff THM is a limited liability company organized under Texas law with a principal place of business in Dallas County, Texas.

5. Plaintiff THP is a limited liability company organized under Texas law with a principal place of business in Dallas County, Texas.

6. Prime Medstaff, LLC is a limited liability company organized under Texas law with a principal place of business in Dallas County, Texas.

7. Defendant Phillip Michael Hawk is a resident of Dallas County, Texas and can be served with process at 7700 Windrose, Plano, Texas 75024.

8. Defendant Ron Walraven is a resident of Dallas County, Texas and can be served with process at 117 Cross Timbers Trail, Coppell, Texas 75019.

9. Defendant Michele Grote Brownfield is a resident of Collin County, Texas and can be served with process at 4800 Printers Way, Apt. 4045 Frisco, Texas 75033.

10. Defendant John Shero is a resident of Dallas County, Texas and can be served with process at 4300 Shenandoah Street, Dallas, Texas 75205.

11. Defendant ER Addison, LLC, d/b/a ER Near Me Addison, is a limited liability company organized under Texas law with a principal place of business in Dallas County, Texas and can be served with process through its registered agent Cherry Petersen Landry, LLP at 8350 N. Central Expressway, Ste. 1500, Dallas, Texas 75206. The sole manager of ER Addison, LLC is ER 2018 Holdings, LLC.

12. Defendant ER 2018 Holdings, LLC is a limited liability company organized under Texas law with a principal place of business in Dallas County, Texas and can be served with process through its registered agent Cherry Petersen Landry, LLP at 8350 N. Central Expressway, Ste. 1500, Dallas, Texas 75206.

13. Defendant Medops Staffing, LLC is a limited liability company organized under Texas law with a principal place of business in Dallas County, Texas and can be served with process through its registered agent Ron Walraven at 117 Cross Timbers Trail, Coppell, Texas 75019.

14. Defendant Medops Consulting, LLC is a limited liability company organized under Texas law with a principal place of business in Dallas County, Texas and can be served with process through its registered agent Ron Walraven at 117 Cross Timbers Trail, Coppell, Texas 75019.

III. JURISDICTION AND VENUE

15. The Court has jurisdiction over this case because the damages sought are within the jurisdictional limits of the Court. The Court has jurisdiction over Defendants because

Defendants Hawk, Walraven, Brownfield, and Shero are Texas residents and because ER Near Me, LLC, ER 2018 Holdings, LLC, Medops Staffing, and Medops Consulting, LLC are Texas limited liability companies with their principal place of businesses located in Texas.

16. Venue is proper in Dallas County, Texas, pursuant to Texas Civil Practice and Remedies Code § 15.002(a) because all or a substantial part of the events and/or omissions giving rise to the claims occurred in Dallas County. Alternatively, venue also is proper in Dallas County, Texas under Section § 65.023 of the Texas Civil Practice and Remedies Code. Further, venue is proper against all Defendants pursuant to Texas Civil Practice and Remedies Code § 15.005.

IV. RULE 47 STATEMENT

17. Pursuant to Texas Rule of Civil Procedure 47, Plaintiffs seek monetary relief over \$1,000,000.00 and non-monetary relief.

V. FACTUAL BACKGROUND

A. Plaintiffs' Nature of Business and Trade Secret Information

18. TMC, also known as "Trusted ER," operates and manages standalone 24-hour emergency room facilities ("ER facilities") in the Dallas and Fort Worth area, with locations in Dallas, Coppell, Hurst and Sherman, Texas, since 2017. Dr. Harvey Castro ("Castro") is the President and Director of TMC. Lori Guerrero ("Guerrero") is a Manager and the Chief Executive Officer at TMC. TMC employs a highly trained and elite team of over 200 medical staff, including physicians and nurses, at its ER facilities

19. In August of 2018, THM is an affiliated limited liability company of TMC. THM was formed as part of TMC's growth strategy to use its expertise in administrative and management services to provide services to similar ER facilities with locations that are not in

direct competition of TMC's existing and contemplated ER facilities. Guerrero and Castro are managers of THM.

20. THP is an affiliated limited liability company of TMC and employs and provides doctors at TMC's ER facilities. TMC is the manager of THP.

21. Prime Medstaff is an affiliated limited liability company of TMC and employs and provides the medical staffing at TMC's ER facilities. TMC is the manager of Prime Medstaff.

22. In furtherance of its business, Plaintiffs expend considerable time, money, and other resources in marketing, developing growth strategies, identifying and contracting with appropriate vendors and financial investors, identifying and contracting with physicians and other healthcare personnel and training its medical staff for its ER facilities.

23. In addition, Plaintiffs expend considerable time, money, and other resources in marketing, developing a strategic marketing and growth plan that included its confidential information and trade secrets in connection with its business strategies and client relationships, including its financial investor relationships and its medical staff for its ER facilities. Plaintiffs' confidential information and trade secrets include, among other things: (1) confidential and proprietary information regarding its market and growth strategy; (2) client and vendor lists, client pricing and other confidential client information; (3) confidential financial investor lists; (4) confidential compensation and salary for its staffing, including doctors and nurses. This information constitutes Plaintiffs' "trade secrets" within the meaning of § 134A.002 (6) of the Texas Uniform Trade Secrets Act. *See* TEX. CIV. PRAC. & REM. CODE § 134A.002 (6).

24. Plaintiffs' confidential information and trade secrets are neither available to nor known by the general public or its competitors. Plaintiffs have taken reasonable measures to

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