

22-CV-0364

CAUSE NO. _____

CARL JOINER,
Plaintiff

v.

DANIEL CONRAD,
Defendant

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IN THE DISTRICT COURT OF

GALVESTON COUNTY, TEXAS

Galveston County - 10th District Court

_____ **JUDICIAL DISTRICT**

ORIGINAL PETITION

COMES NOW Plaintiff, CARL JOINER (hereinafter “Mr. Joiner” or “Plaintiff”) and files this Original Petition against DANIEL CONRAD (hereinafter “Mr. Conrad” or “Defendant”) and for cause of action would show the Court as follows:

I.
DISCOVERY CONTROL PLAN

1. Discovery in this case is governed by Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

II.
PARTIES

2. CARL JOINER is an individual residing in Galveston County, Texas.

3. Defendant DANIEL CONRAD is an individual whose last known residential address is 1100 Lakeview Bend, Kemah, Texas 77565. Defendant may be served with citation at his residence or wherever else he may be found.

III.
JURISDICTION

4. This Court has jurisdiction over the lawsuit because the amount in controversy is within this Court’s jurisdictional requirements.

IV.
VENUE

5. Venue is proper in Galveston County. Under Texas Civil Practice & Remedies Code § 15.002, all or a substantial part of the events or omissions giving rise to the claim occurred in Galveston County.

V.
BACKGROUND FACTS

6. Mr. Joiner is the Mayor of the City of Kemah (hereinafter “Kemah” or the “City”). He is also a businessman and runs an established and reputable architectural design and planning company.

7. Defendant is a Kemah resident.

8. Numerous individuals have been defaming Mr. Joiner on various internet forums that are accessible to Kemah residents as well as to other Kemah officials and on billboards and signs displayed in the City. Defendant is one of these individuals.

*a. **Defendant made Facebook posts falsely imputing Mr. Joiner has abused his mayoral office and engaged in criminal activity***

9. As early as August of 2021, Defendant began writing Facebook posts on the Kemah Community Forum imputing Mr. Joiner engaged in criminal activity, such as abuse of mayoral power and violations of the Texas Open Meetings Act. Defendant stated and/or implied that Mr. Joiner is using his office to deny individual rights, acting outside of his authority as mayor by circumventing approvals required by City Council Members, and holding private City meetings in violation of the Texas Open Meetings Act.

10. Defendant posted comments like, “The Official Oppression crime in the state of Texas” prohibits a public servant from using his “office to deny someone their rights;” Defendant stated that he awaits the Mayor’s testimony on the matter and scrutiny of the Mayor’s actions. Defendant also stated that “to suggest the Mayor has full privilege to create ad hoc

committees...without due process of Council approval” and without abiding by “TOMA regulations is preposterous” and that “refusal to release information under the TOMA regulations as well as Public information requests are [sic] a crime.” Defendant announced he is “taking a stand against criminal acts... of our public servants.” Defendant’s posts relate to one another and reference “the Mayor” either directly or impliedly.

11. **Defendant’s allegations are blatantly false.**

12. On December 14, 2021, Defendant posted that he reported Mr. Joiner’s alleged criminal activity to the Galveston County District Attorney’s Office. He attached an email from the Kemah Chief of Police to his Facebook post. The subject of the email stated, “External Criminal Investigation Request – Submitted to the Galveston County District Attorney’s Office – Investigation of Criminal Complaint by Mr. Daniel Conrad against Mr. Carl Joiner, the Mayor of the City of Kemah.”

13. On December 31, 2021, Defendant posted on Facebook that the District Attorney’s Office decided not to pursue allegations against Mr. Joiner, but the language of the post suggests the D.A. failed to pursue credible evidence against Mr. Joiner and continues to falsely claim that Mr. Joiner has committed criminal activity. Defendant posted, “yes [sic] I believe laws have been violated; and yes, I believe they continue to be violated and escalate.” There is no factual basis for any of these allegations.

14. The Kemah Community Forum Facebook page is private, but it has 247 members and is “dedicated to the voters, residents, and businesses of the City of Kemah”—Mr. Joiner’s constituents.

b. Defendant made Facebook posts imputing Mr. Joiner has committed trespass

15. Defendant has also made multiple posts on Facebook imputing Mr. Joiner and his wife have committed trespass. The posts appear on the Kemah Community Forum and on the Facebook page called “Anyone but Carl Joiner aka Kemah Correction ” which is a public page

16. Specifically, Defendant posted about filing trespass charges against the Joiners. The posts state, “you do know, [the Joiners] had trespassing charges filed against them last week by two separate Kemah home owners, right?” and “it looks like multiple people have filed trespassing charges on [the Joiners]. What is wrong with these two?” The trespass posts include a photo-shopped image of the Joiners’ faces derisively superimposed on the 1992 “Trespass” movie poster.

17. While it is true that Defendant and another home owner filed trespassing charges against the Joiners, the posts completely misrepresent the facts: the Joiners never entered onto private property but were driving down a public street on which Defendant (and a couple other individuals) placed a “no trespassing” sign. Defendant snapped a picture of Mrs. Joiner’s vehicle and reported the Joiners to the police for trespassing. After having fabricated an instance of trespassing, Defendant posted the demeaning trespass statements about the Joiners. The charges against the Joiners were dropped.

18. Furthermore, Defendant has shared these, and other defamatory posts, with the League City Regional Chamber of Commerce, Clear Lake Chamber of Commerce, Clear Creek Education Foundation, Bay Area Houston Economic Partnership, and Bay Area Houston Transportation Partnership—organizations in which Mr. Joiner is actively involved.

c. Defendant made Facebook posts implying Mr. Joiner has been tampering with evidence

19. Yet another one of Defendant’s posts on the Kemah Community Forum implies that Mr. Joiner has been entering the City’s evidence room without authorization and tampering with the evidence. The post includes screenshots from a City security camera video obtained by Defendant through a Public Information Request. While the post states, “based on the video [*sic*] it does not appear that he made entry,” it also warns “any official from entering the evidence room without the Chiefs [*sic*] escort, and city attorney” and states, “that [*sic*] is good news for our pending cases,” presumably referring to Defendant’s prior posts concerning Mr. Joiner’s alleged criminal activity

20. Allegations that Mr. Joiner has been tampering with evidence are, again, blatantly false. Mr. Joiner did not enter the evidence room, let alone tamper with evidence. He was near the evidence room only to inspect the ongoing remodeling and construction there. Defendant's posts misrepresent the facts, use inherently improbable assertions and dubious information, and are incredulous and demeaning.

d. Defendant sent an email to City Council Members claiming Mr. Joiner misappropriated the City seal for personal use

21. Defendant disseminated an email to Kemah City Council Members, claiming Mr. Joiner misappropriated the City seal for personal use. In the email, Defendant made numerous references to the Texas Penal Code and case law and advised the City Council to report Mr. Joiner to the "proper authorities."

22. Mr. Joiner uses the City seal is in his mayoral capacity only. Defendant, again, misconstrues this fact and charges Mr. Joiner with criminal activity.

e. Defendant has acted with malice in defaming Mr. Joiner

23. There is no factual basis for any of Defendant's allegations. Defendant is fabricating these allegations himself. He has made numerous false accusations of Mr. Joiner's criminal activity and has misrepresented facts and used improbable assertions and dubious information in order to propagate the allegations. Defendant's posts are demeaning and incredulous, and he has "tagged" various professional organizations in which Mr. Joiner is actively involved in his posts in order to draw the members' attention to his false allegations. Defendant has also filed numerous open records requests for information pertaining to Mr. Joiner, including frivolous requests for excessively broad amounts of information such as all of Mr. Joiner's communications in the month of February. He also requested the City Secretary to copy him on all of Mr. Joiner's emails. These actions are intended to harass and embarrass Mr. Joiner and to tarnish his reputation as the Mayor of Kemah. Coupled with the defamatory statements being

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