A/d. 4/14/71

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS,
DALLAS DIVISION

NO.

Filed
Apr 19, 1971

JOYCE ROTHERMEL,)

PLAINTIFF

VS.) COMPLAINT

W. HERBERT HUNT, JON JOSEPH KELLEY, RONALD ADAMS, CARL WATSON, W. J. EVERETT, H. L. HUNT, and HUNT OIL COMPANY,

CA-3-4687-e

DEFENDANTS)

TO SAID HONORABLE COURT:

Plaintiff Joyce Rothermel, a resident of Dallas County, Texas, complains of defendants W. Herbert Hunt, a resident of Dallas County, Texas; of defendants Jon Joseph Kelley, Ronald Adams, Carl Watson and W. J. Everett, all residents of Houston, Harris County, Texas; and of defendants H. L Hunt and Hunt Oil Company, resident of and domiciled in Dallas, Dallas County, Texas, and for cause alleges:

1.

This Court has jurisdiction of this action under 28 United States Code, §1331(a) since the plaintiff's cause of action involves a sum in excess of $10,000, exclusive of interest and costs, and arises under a law of the United States, 18 United States Code, §2520.

2.

At all times hereinafter set forth plaintiff was the wife of Paul M. Rothermel, Jr., with whom she resided at their home at 2406 Little Creek Drive, Richardson, Dallas County, Texas, and plaintiff was technically trained and qualified in

the psychiatric field, and during the course of her duties and activities in such field she frequently carried on confidential and privileged conversations by telephone with patients, physicians, and other personnel technically trained in such field.

3.

At all times hereinafter set forth H. L. Hunt owned more than 80% of the stock of Hunt Oil Company, was its President, a director, and Chairman of the Board of Directors of said corporation, and completely controlled Hunt Oil Company and its operations, and his children by various mothers, including his son, the defendant W. Herbert Hunt, who was Vice-President of Hunt Oil Company.

4.

Prior to 15 November 1969 plaintiff's husband, Paul M. Rothermel, Jr., who had been trained as a security specialist, attorney, and special agent of the Federal Bureau of Investigation, was chief of security for Hunt Oil Company, and assistant to and under the direct supervision of H. L. Hunt as President of Hunt Oil Company , from which position he resigned amicably on 15 November 1969.

5.

Thereafter prior to 16 January 1970 defendant W. Herbert Hunt employed private investigators including defendants Kelley, Adams, and Everett, for the purpose of illegally implanting an electronic,mechanical, or other device to intercept wire communications, as defined in Chapter 119 of Title 18 of the United States Code, to intercept telephone conversations transmitted on the personal telephone furnished to this plaintiff by Southwestern Bell Telephone Company at their home address, telephone number 231-6669.

6.

Pursuant to such employment, defendants Jon Joseph Kelley, W. J. Everett and Ronald Adams, private investigators of

Houston, Texas, together with the defendant Carl Watson, an employee of Southwestern Bell Telephone Company, did illegally and in violation of said Chapter 119 wilfully install an electronic, mechanical, or other device to intercept such wire communications of the plaintiff, by means of physically trespassing upon plaintiff's property and installing a miniature radio transmitter on the terminals of her telephone and thereafter for a period of time unknown to the plaintiff but well known to the defendants the plaintiff's private telephone conversations were transmitted on a pre-determined frequency and recorded upon magnetic tape on a tape recorder in the possession and under the control of the defendant Kelley, and such illegal wire tapping and interception continued until the Richardson Police Department on 16 January 1970 found the radio receiver and tape recorder and reels of tape in the defendant Kelley's car and thereupon the special agents of the Federal Bureau of Investigation located the illegal device upon the terminals of plaintiff's telephone, and under search warrant seized in the defendant Kelley's room at the Holiday Inn in Dallas tape recorders and electronic eavesdropping and recording devices.

7.

Seized tapes were played in the presence of various members of the Richardson Police Force, special agents of the Federal Bureau of Investigation, and employees of Southwestern Bell Telephone Company, and the plaintiff's voice and that of numerous other people with whom she had had telephone conversations for an extended period of time prior to 16 January 1970 were identified by plaintiff.

8.

Plaintiff does not know whether this illegal wire tap as instigated by W. Herbert Hunt, Vice-President of Hunt Oil Company, was authorized by and done by him on behalf of Hunt Oil Company, the corporation, and H. L. Hunt, but plaintiff says

that the information so obtained by such illegal action was thereafter utilized by Hunt Oil Company and H. L. Hunt with full knowledge of its source, and the defendants Hunt Oil Company and H. L. Hunt thereby ratified the activities of the other defendants as hereinabove set forth. Plaintiff says that solely by reason of illegally intercepting telephone conversations on plaintiff's telephone, the defendant Hunt Oil Company, H. L. Hunt, and W. Herbert Hunt acquired information causing them to employ other investigators who subsequently made a report the contents of which are not known to this plaintiff but well known to said defendants, based upon which Hunt Oil Company acting by H. L. Hunt has made a false and groundless claim upon a fidelity surety company that the plaintiff's husband was guilty of a purported illegal conspiracy by which claim was made on said company for more than $400,000, and when such surety company refused to pay said groundless claim, suit was brought in the State Court claiming a cause of action against plaintiff's husband as a purported co-conspirator to the alleged damage of Hunt Oil Company in the amount of more than $900,000, which has materially affected plaintiff's property rights in that it threatens her community interest as well as requiring use of her share of community income in the defense against such groundless claim. By reason of the foregoing, Hunt Oil Company and H. L. Hunt are also liable along with the other defendants.

9.

In connection with the investigation made by Hunt Oil Company acting through H. L. Hunt, resulting from information illegally acquired, the plaintiff's privacy has been additionally invaded by such investigators prying into her bank accounts and other business relationships, interrogating her business and social friends, requiring her to make extended explanations and causing her loss of friendships, embarrassment, ridicule, mental anguish, and loss of confidences, as well as damaging her professionally

because of disclosures on said tapes. Such actions of the defendants were taken with full knowledge of the plaintiff's professional activities, in wilful disregard of her rights, and with a complete indifference to the damage it would do to her in their determination to reach her husband and by reason thereof the defendants have become liable in exemplary damages. In addition to the minimum damages provided by §2520 of Chapter 119 of Title 18 of the United States Code, plaintiff has suffered actual damages in the amount of $1,000,000. Because of the wilful and headstrong nature of the defendants' actions, they should be held liable for exemplary and punitive damages in an amount not less than $500,000, together with a reasonable attorneys' fee of not less than $100,000.

Plaintiff prays for judgment for her actual damages, exemplary damages, attorneys' fees, costs, and all other proper relief.

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