

CONFIRMED FILE DATE: 5/10/2010

**FILED**  
Loren J. Jackson  
District Clerk

MAY 10 2010

CAUSE NO. 2010-15223

LETHA E. MAXWELL  
Time: \_\_\_\_\_

By \_\_\_\_\_

VS.

SUNGWOO A. SUH, D.C.

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IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
333<sup>rd</sup> JUDICIAL DISTRICT

FILED  
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District Clerk  
MAY 10 2010  
AM 11:45  
HARRIS COUNTY, TEXAS

**PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION**

TO THE HONORABLE COURT:

COMES NOW, LETHA E. MAXWELL, Plaintiff herein, complaining of SUNGWOO A. SUH, D.C., Defendant herein, and as a result of Special Exceptions by the Defendant, makes and files this First Amended Original Petition and for cause of action would respectfully show as follows:

1. This is a level 2 case pursuant to the T.R.C.P.
2. Plaintiff is an individual residing in Harris County, TX.
3. Defendant, Sungwoo A. Suh, D.C. has appeared and answered herein.
4. Venue is proper in the District Courts of Harris County, Texas.
5. The amount in controversy exceeds the minimum jurisdictional limits of this Honorable Court.
6. All conditions precedent to the filing of this lawsuit have been met and satisfied.
7. In November, 2009, Plaintiff was a student at Texas Chiropractic College, located in Pasadena, Harris County, TX and Defendant was a member of the faculty.
8. In November, 2009, Plaintiff was a student in a course taught by Defendant.
9. In early October, Plaintiff missed a test in the class taught by Defendant due to a brief illness.

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10. Defendant suggested to Plaintiff that the makeup examination be conducted on Sunday, November 8, 2009 at a location that he would later disclose.
11. On November 8, 2009; Defendant gave Plaintiff directions over the phone to where he was located for the purpose of taking the makeup examination.
12. Instead of directing Plaintiff to meet him at the campus of the Texas Chiropractic College, Defendant directed Plaintiff to travel toward northwest Harris County. Ultimately the directions lead to a La Quinta Inn hotel.
13. Defendant directed Plaintiff to go to room 301 of the hotel and he opened the door and told her to enter.
14. Plaintiff began to take the makeup examination and at that point Defendant attempted to force himself upon her. The touching was uninvited, unwanted, harmful and offensive.
15. Defendant partially forcibly disrobed Plaintiff against her will and exposed himself to Plaintiff. Defendant used physical force to attempt to have sexual intercourse and sodomy with Defendant against her will.
16. The conduct of Defendant constituted assault, aggravated assault, battery, intentional infliction of emotional distress, battery, unwanted physical and sexual contact and attempted sexual assault.
17. Due to their status as teacher and student; Defendant's conduct violated Section 21.12 of the Texas Penal Code.
18. Defendant's conduct was intentional, negligent and grossly negligent.
19. Plaintiff has suffered permanent harm as a result of the tortious and criminal conduct of Defendant.

20. Plaintiff seeks actual and exemplary damages in an amount in excess of the minimum jurisdictional limits of this Honorable Court. Plaintiff seeks actual damages of \$2 million and exemplary damages of \$1 million.

**REQUEST FOR DISCLOSURE**

Not later than 51 days after service of this petition, the Defendant is requested to disclose in writing the information set forth in TRCP 194.2(a) through (l).

**JURY DEMAND**

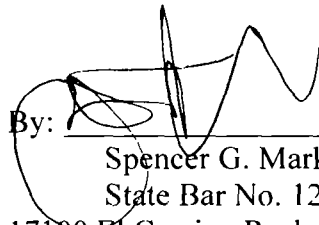
Plaintiff hereby makes request for a jury trial in accordance with the Texas Rules of Civil Procedure. The Jury fee is being paid simultaneously with this request.

**PRAYER**

Wherefore, Premises Considered. Plaintiff prays that Defendant be cited to appear and answer herein, and that upon final hearing or trial they be awarded damages in an amount within the jurisdictional limits of the Court, prejudgment and post judgment interest, cost of court, and for such further and additional relief to which Plaintiff may be justly entitled to receive.

Respectfully Submitted,

**THE MARKLE LAW FIRM**

By:  \_\_\_\_\_

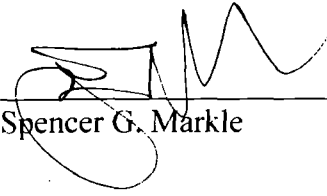
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Houston, Texas 77058  
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(281) 486-0694 Fax

**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon all counsel of record on this 6 day of May, 2010 as designated below:

- Via Facsimile
- Via Regular Mail
- Via Certified Mail Return Receipt Requested
- Via Overnight Carrier
- Via Personal Delivery
- Via \_\_\_\_\_

  
\_\_\_\_\_  
Spencer G. Markle