

C. Discovery Control Plan

6. Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.3.

I. FACTS

7. The Company was first formed as an LLC in February 2013. The Company was converted to a corporation in April 2016.

8. The Company is owned 50% by Warren Broadnax, and 50% by Marcus Bowers.

9. There are no corporate governance documents.

10. The Company currently operates two (2) stores in Houston, Texas, as well as an on-line store. One store is located at 11422 Southwest Freeway, and the other is located at 3280 South Loop West.

11. The Company was operating successfully, primarily due to the efforts of Warren Broadnax, who has handled nearly all of the operations and marketing since inception.

12. Defendant has had minimal involvement in the Company, but gets paid a salary every two (2) weeks.

13. On October 2, 2024 Defendant unlawfully transferred \$50,000 from the Company bank account into his personal bank account.

14. On October 7, 2024 Defendant unlawfully transferred \$40,000 from the Company bank account into his personal bank account.

15. Defendant's unlawful withdrawals of \$90,000 in October 2024 sent the Company into a tailspin and the Company was unable to order inventory to maintain business operation, and meet its payroll obligations.

16. Defendant has a history of using the Company credit card for personal expenses, and to fund his personal business ventures.

17. Despite Mr. Broadnax meeting and discussing these issues with Defendant multiple times, Defendant continues to act in a way that negatively impacts the Company's financial health, employee morale, and the Company brand.
18. In December 2025, Defendant contacted Frost Bank and attempted to unlawfully remove Warren Broadnax from the Company bank accounts.
19. Defendant has repeatedly appeared at the Company stores and threatened employees.
20. In September 2025, Defendant waited outside the courthouse for Mr. Broadnax and followed him to his car, making threats, and attempted to assault him.
21. Despite court orders, Defendant continues to make unauthorized withdrawals from the Company bank accounts and use it for his personal expenses, or to fund other business ventures unrelated to the Company.
22. Defendant has made numerous social media posts negatively impacting the business.
23. Because of Defendant's threatening behavior, Warren Broadnax has had to make the decision to close the stores on numerous occasions, in order to protect the safety of the employees, customers, and general public. Consequently, revenue has been negatively impacted.
24. Defendant broke into the office of Warren Broadnax and stole Company information and Mr. Broadnax's personal property.

II. CAUSES OF ACTION

COUNT 1: BREACH OF FIDUCIARY DUTY

25. Plaintiff incorporates by reference the factual allegations contained in the previous paragraphs.
26. Warren Broadnax and Defendant are directors of the Company.
27. As directors, Mr. Broadnax and Defendant owe a duty of loyalty to the Company.

28. Defendant has breached his duty of loyalty to Plaintiff by repeatedly making unlawful and unauthorized withdrawals from the Company bank accounts to his own personal account, for his personal expenses, and for businesses unrelated to the Company.
29. As a direct and proximate result of Defendant's breach of fiduciary duty to Plaintiff, Plaintiff has suffered damages and seeks unliquidated damages within the jurisdictional limits of this Court, including, but not limited to actual damages, and reasonable and necessary attorney fees.
30. Further, Plaintiff's injury resulted from Defendant's malice and/or actual fraud, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code §41.003(a).

COUNT 2: MONEY HAD AND RECEIVED

31. Plaintiff incorporates by reference the factual allegations contained in the previous paragraphs.
32. In addition to Count 1, Plaintiff asserts a cause of action against Defendant for Money Had and Received.
33. Defendant has repeatedly transferred money from Company bank accounts for Defendant's personal benefit and not for the benefit of the Company.
34. Defendant holds money that, in equity and in good conscience belongs to Plaintiff.
35. As a direct and proximate result of Defendant's actions, Plaintiff has suffered damages and seeks unliquidated damages within the jurisdictional limits of this Court, including, but not limited to actual damages, and reasonable and necessary attorney fees.
36. Further, Plaintiff's injury resulted from Defendant's malice and/or actual fraud, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code §41.003(a).

COUNT 3: THEFT LIABILITY ACT

37. Plaintiff incorporates by reference the factual allegations contained in the previous paragraphs.
38. In addition to the Counts above, Plaintiff asserts a cause of action against Defendant for this action under the Texas Theft Liability Act for an unlawful appropriation of property under Texas Penal Code Section 31.03.
39. Defendant unlawfully appropriated Plaintiff's property in violation of Texas penal Code Section 31.01(4)(A)(B) and (E).
40. Defendant's unlawful appropriation was made with the intent to deprive Plaintiff of its property.
41. Defendant's wrongful conduct caused injury to Plaintiff, which resulted in it being damaged.
42. Plaintiff seeks damages within the jurisdictional limits of the court.
43. Exemplary Damages: Plaintiff's injuries resulted from Defendant's malice or actual fraud, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).
44. Attorney Fees: Plaintiffs are entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.055(b).

COUNT 4: CONVERSION

45. Plaintiff incorporates by reference the factual allegations contained in the previous paragraphs.
46. In addition to the Counts above, Defendant has wrongfully exercised dominion and control over Plaintiff's property by using Plaintiff funds for his own purposes, to the detriment of Plaintiff.

47. Further, Warren Broadnax's personal property, including a painting valued at approximately \$2,700.00 was stolen by Defendant, and Warren Broadnax no longer has the use of his personal property.
48. Defendant's wrongful acts proximately caused injury to Plaintiff, which resulted in Plaintiff being damaged, including, but not limited to lost profits, loss of credit reputation, and out-of-pocket expenses.
49. Plaintiff seeks unliquidated damages within the jurisdictional limits of this court.
50. Exemplary Damages: Plaintiff's injuries resulted from Defendant's malice or actual fraud, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).
51. Attorney fees: Plaintiff is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code section 134.055(b).

COUNT 5: DEFAMATION

52. Plaintiff incorporates by reference the factual allegations contained in the previous paragraphs.
53. In addition to the Counts above, Defendant has published numerous statements both in writing and orally, including social media, asserting that Warren Broadnax is stealing from him and that the business is not being run properly.
54. The statements referred to Warren Broadnax, individually, and as a business owner.
55. The statement was defamatory because it made Warren Broadnax, individually, and as a business owner, look like a bad business owner, which he is not.
56. The statements were false because the business is well-operated, and any negative issues are related to Defendant's actions, not Plaintiff or Warren Broadnax.

57. Defendant is strictly liable to Plaintiff for the defamation.
58. Defendant's false statements caused injury to Plaintiff, which resulted in lost profits, damage to reputation, personally, and professionally, loss of credit reputation, and out-of-pocket expenses.
59. Plaintiff seeks unliquidated damages within the jurisdictional limits of this court.
60. Exemplary Damages: Plaintiff's injuries resulted from Defendant's malice or actual fraud, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

COUNT 6: BUSINESS DISPARAGEMENT

61. Plaintiff incorporates by reference the factual allegations contained in the previous paragraphs.
62. In addition to the Counts above, Defendant published numerous disparaging statements both in writing and orally, asserting that Warren Broadnax was stealing from him and not running the business properly.
63. The words were false because Warren Broadnax is not stealing from Defendant and the business is being run successfully.
64. Defendant published the words with malice and reckless disregard.
65. Defendant's false statements have caused injury to Plaintiff, which have resulted in the following special damages: lost profits, loss of credit reputation, and out-of-pocket expenses.
66. Plaintiff seeks unliquidated damages within the jurisdictional limits of this court.
67. Exemplary Damages: Plaintiff's injuries resulted from Defendant's malice, reckless disregard, and/or actual fraud, which entitles Plaintiffs to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

COUNT 7: FRAUD

68. Plaintiff incorporates by reference the factual allegations contained in the previous paragraphs.
69. In addition to the Counts above, Defendant made representations to Frost Bank that Warren Broadnax was no longer an owner of the company and attempted to remove Warren Broadnax from the Company bank accounts.
70. Defendant made the false representation knowing it was false.
71. Defendant's false representations have caused injury to Plaintiff, which have resulted in the following special damages: lost profits, loss of credit reputation, and out-of-pocket expenses.
72. Plaintiff seeks unliquidated damages within the jurisdictional limits of this court.
73. Exemplary Damages: Plaintiff's injuries resulted from Defendant's malice, reckless disregard, and/or actual fraud, which entitles Plaintiffs to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

COUNT 7: DECLARATORY JUDGMENT

74. Plaintiff incorporates by reference the factual allegations contained in the previous paragraphs.
75. In addition to the Counts above, Plaintiff seeks a declaratory judgment that Defendant is not allowed to be on the premises of any of the store locations owned by She's Happy Hair, Inc., including within 1000 feet of the parking lot of any of the stores.
76. Further, Plaintiff seeks a declaratory judgment that Defendant is not allowed to make any withdrawals from Company bank accounts for any non-Company purpose.
77. Further, Plaintiff seeks a declaratory judgment that Defendant is not allowed to use any Company credit cards for any non-Company purpose, including, but not limited to, personal meals, lodging, or travel.

78. Further, Plaintiff seeks a declaratory judgment that Defendant be removed as a Director of the Company due to his multiple breaches of fiduciary duty to Plaintiff.

D. CONDITIONS PRECEDENT

79. All conditions precedent to Plaintiff's claims for relief have been performed or have occurred.

PRAYER

WHEREFORE, for the reasons stated above, Plaintiff requests that Defendant be cited to appear and answer and that upon final hearing, Plaintiff have judgment against Defendant for a sum within the jurisdictional limits of the court, including

- a. Actual damages;
- b. Exemplary damages;
- c. Declaratory judgment;
- d. Attorney fees, costs, and expenses
- e. Prejudgment interest and post judgment interest;
- f. Costs of court; and
- g. And all such other and further relief, both at law and in equity, to which Plaintiff may show themselves justly entitled.

Respectfully submitted,

THE ERICKSEN LAW FIRM PLLC

By: /Joanne M. Ericksen/

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ATTORNEY FOR SHE'S HAPPY HAIR, INC.

CERTIFICATE OF SERVICE

I, Joanne M. Ericksen, hereby certify that on February 13, 2026 a true and correct copy of the foregoing has been served upon the following in accordance with Texas Rule of Civil Procedure 21a:

Paul K. Stafford

STAFFORD MOORE, PLLC

325 N. St. Paul St., Suite 2210

Dallas, Texas 75201

Phone: 214-874-1529

Fax: 214-580-8104

Email: paul@staffordmoore.law and justin@staffordmoore.law

/s/ Joanne M. Ericksen

Automated Certificate of eService

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Joanne Ericksen on behalf of Joanne Ericksen
Bar No. 24036529
joanne@theericksenlawfirm.com
Envelope ID: 111266040
Filing Code Description: Amended Filing
Filing Description: P's First Amended Original Petition
Status as of 2/16/2026 9:38 AM CST

Case Contacts

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