

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ROBERT DALE AND JO ANDERSON, WILLIAM §  
SCOTT ARMSTRONG, MIKE BAILEY, DAN §  
BARNETT, RONALD W. AND LISA K. §  
BARRENTINE, JOHN C. BEVERS, EASTER §  
BLOUNT, BOB BRANDS, DONALD F. BREWER, §  
TIMOTHY BRICE, LARRY BURCH, ANNIE R. §  
BURNS, HAROLD E. AND GENEVA J. §  
CALVERT, NOEL CAMPBELL, M. MARLENE §  
CANNON, DENISE CANSLER, JAMES M. §  
CLARK, JR., R. SCOTT AND DEBRA M. CROFF, §  
KEVIN V. AND MEGAN L. DAHLSTROM, §  
VALYNDA A. EWTON, V. G. FAGG, BEV §  
FLEMING AND JIM COOPER, DENNIS G. AND §  
FRANKIE P. FRIDAY, FREDERICK §  
A. GANS II, EVA GERARD, GARY AND §  
REBECCA GOODMAN, CHARLES GREEN, §  
ANTHONY L. GRINDL, CRAIG WILLIAM §  
HAHN AND BETTY COZART, GARY §  
HANNING, NANCY HARRIS, NEAL §  
HENDERSON, RON K. HUNTER, ROBERT §  
E., JR., AND BARBARA JO ILLES, §  
DON V. INGRAM, DAVID JACKSON, ALTON §  
G., JR., AND WANDA JENNINGS, TOM D. §  
JESTER, JR., LLOYD WAYNE JONES, §  
MYRTICE D. JONES, RICHARD R. JONES, §  
DON KELLEY, LYELL AND NANCY A. §  
LASSITER, TOM LEWIS, ALBERT AND MARY §  
LONGORIA, DONALD L. MABRY, MARTHA §  
LEANNE MADELEY, MONTE MCLAUGLIN, §  
E. C. MLCAK, SANDY NACHMAN, §  
DENNIS M. NELSON, TIM AND §  
SHERRY NEU, SYDNEY OETKER, CHARLES §  
O'NEIL, JAMES W. OWENS, JERRY P. §  
OWENS, JAMES B. AND MARTHA PARKS, §  
EDNA PATTERSON, TOD PERCLE, CHARLES §  
R. PHELPS II, JACK AND BETSY POE, §  
RONALD G. RAINES, TED RAINS, CATHERINE §  
RAMBO, KEN RAMBO, JAMES VINTON REED, §  
RICHARD REINERT, EVANTHA RUTH RILEY, §  
KATHLEEN RILEY, REBA J. RINGNESS, §  
DAVID M. AND AMY L. ROBISON, DON S. §  
ROBISON, MIKE ROBISON, PAT ROUTSON, §

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DAVID MICHAEL AND MADONNA K. §  
RUSSELL, ARTHUR AND BRENDA §  
STRICKLAND, BILL E. THOMAS, RICHARD J. §  
THOMES, CHARLES B. THORPE, JEAN C. §  
TONEY, PAUL R. TYSON, WILLIAM AND §  
KATHLEEN VALENTINE, MARK TRUETT §  
AND BARBARA VICE, RONALD W. AND §  
MARGARET VIRNELSON, SUSAN §  
WALCHSHAUSE, MIKE J. AND PEGGY §  
WALKER, GERALD AND MELETHA §  
WALTERS, FRED WHITE, J. PAUL WICKETT, §  
ELIZABETH W. WILMER, WILLIAM §  
MILES III, AND SUSAN F. WOODALL, §  
GARY AND SHERRIE WORTHINGTON, and §  
MRS. JEROME C. ZIPPER, §  
*Plaintiffs,* §

vs. §

Civil Action No. \_\_\_\_\_

UNITED STATES ARMY CORPS OF §  
ENGINEERS, TULSA DISTRICT, and §  
GRAYSON CENTRAL APPRAISAL DISTRICT, §  
*Defendants.* §

### PLAINTIFFS' ORIGINAL COMPLAINT

The plaintiffs allege:

#### PRELIMINARY STATEMENT

1. This lawsuit concerns the personally-identifying, confidential information contained in a system of records held and maintained by the United States Army Corps of Engineers. Originating from a common core of operative facts, the plaintiffs' claims arise from the improper, unauthorized disclosure and public use of the plaintiffs' confidential records, first by the Tulsa District of the United States Army Corps of Engineers to the Grayson Central Appraisal District, then by the Grayson Central Appraisal District to a wider public audience in its 2007 appraisal roll. The same cycle of unauthorized disclosure and public use is poised to repeat itself for 2008, as the Corps of

Engineers has again provided the information to the local appraisal district and the appraisal district is again preparing the information for use in its 2008 appraisal rolls and consequent wider public dissemination.

**PLAINTIFFS**

2. The plaintiffs are Robert Dale and Jo Anderson, William Scott Armstrong, Mike Bailey, Dan Barnett, Ronald W. and Lisa K. Barrentine, John C. Bevers, Easter Blount, Bob Brands, Donald F. Brewster, Timothy Brice, Larry Burch, Annie R. Burns, Harold E. and Geneva J. Calvert, Noel Campbell, M. Marlene Cannon, Denise Cansler, James M. Clark, Jr., R. Scott and Debra M. Croff, Devin V. and Megan L. Dahlstrom, Valynda A. Ewton, V. G. Fagg, Bev Fleming and Jim Cooper, Dennis G. and Frankie P. Friday, Frederick A. Gans II, Eva Gerard, Gary and Rebecca Goodman, Charles Green, Anthony R. Grindl, Craig William Hahn and Betty Cozart, Gary Hanning, Nancy Harris, Neal Henderson, Ron K. Hunter, Robert E, Jr., and Barbara Jo Illes, Don V. Ingram, David Jackson, Alton G., Jr., and Wanda Jennings, Tom D. Jester, Jr., Lloyd Wayne Jones, Myrtice D. Jones, Richard R. Jones, Don Kelley, Lyell and Nancy A. Lassiter, Tom Lewis, Albert and Mary Longoria, Donald L. Mabry, Martha Leanne Madeley, Monte McLaughlin, E. C. Mlcak, Sandy Nachman, Dennis M. Nelson, Tim and Sherry Neu, Sydney Oetker, Charles O'Neil, James W. Owens, Jerry P. Owens, James B. and Martha Parks, Edna Patterson, Tod Percle, Charles R. Phelps II, Jack and Betsy Poe, Ronald G. Pratt, Ronald G. Raines, Ted Rains, Catherine Rambo, Ken Rambo, James Vinton Reed, Richard Reinert, Evantha Ruth Riley, Kathleen Riley, Reba J. Ringness, David M. and Amy L. Robison, Don S. Robison, Mike Robison, Pat Routson, David Michael and Madonna K. Russell, Arthur and Brenda Strickland, Bill E. Thomas,

Richard J. Thomes, Charles B. Thorpe, Jean C. Toney, Paul R. Tyson, William and Kathleen Valentine, Mark Truett and Barbara Vice, Ronald W. and Margaret Virnelson, Susan Walchshause, Mike J. and Peggy Walker, Gerald and Meletha Walters, Fred White, J. Paul Wickett, Elizabeth W. Wilmer, William Miles III, and Susan F. Woodall, Gary and Sherrie Worthington, and Mrs. Jerome C. Zipper. Each plaintiff is an “individual” within the meaning of 5 U.S.C. § 552a(2). Each plaintiff (or grouped set of plaintiffs, where joined by an “and”) is the holder of a Shoreline Use Permit issued by the Tulsa District of the United States Army Corps of Engineers, authorizing maintenance and use of a floating recreation facility—a boat dock—on the federal land of Lake Texoma in Grayson County, Texas, and each, in fact, has a boat dock moored there. (For convenience, the remainder of this complaint will refer to these plaintiffs collectively as “Plaintiff Texoma Boat Dock Owners.”)

#### **DEFENDANTS**

3. The United States Army Corps of Engineers, Tulsa District (“Corps of Engineers” or “Corps”), is part of the United States Department of the Army, which is part of the United States Department of Defense. As provided in the concluding paragraph of 28 U.S.C. § 1391(e), service upon the Corps, beyond the territorial limits of this federal judicial district, may be made by certified mail addressed to: Colonel Anthony Funkhouser, District Commander, U.S. Army Corps of Engineers, Tulsa District, 1645 South 101<sup>st</sup> East Avenue, Tulsa, Oklahoma 74128-4609.

4. The Grayson Central Appraisal District (“GCAD”) is the appraisal district for Grayson County, Texas, established pursuant to state law. It is responsible for appraising property in Grayson County for ad valorem tax purposes of each taxing unit

that imposes ad valorem taxes on property in the district. *See* TEX. PROP. TAX CODE § 6.01(b). GCAD is a political subdivision of the State of Texas. *See* TEX. PROP. TAX CODE § 6.01(c). GCAD may be served with process through its Chief Appraiser, Teresa Parsons, at the GCAD offices located at 205 North Travis Street, Sherman, Texas 75090-5922.

#### **JURISDICTION AND VENUE**

5. The Court has subject matter jurisdiction over this action pursuant to 5 U.S.C. § 552a(g)(1) and 28 U.S.C. § 1367(a).

6. Venue is proper in the Court pursuant to 5 U.S.C. § 552a(g)(5) and 28 U.S.C. §§ 1391(b)(2), 1391(e)(1) and 1391(e)(2).

#### **FACTUAL STATEMENT**

7. Congress authorized Denison Dam and the creation of Lake Texoma in the Flood Control Act of June 28, 1938, 52 Stat. 1215. The dam was completed in 1944, and the reservoir it created straddles the Red River, covering parts of both Oklahoma and Texas. (Construction of Denison Dam left unaltered the boundary between Texas and Oklahoma as the south bank of the Red River as it existed prior to the dam's construction. *See Texas v. Oklahoma*, 457 U.S. 172, 175 (1982).) The land covered by the lake, and extending some distance beyond its shore lines, is owned by the United States in fee simple. Lake Texoma's original purpose was primarily flood control but, over time, it became a multi-purpose federal project. Recreational use is now an integral part of Lake Texoma's purpose and operation.

8. The land flooded by the lake was taken off local tax rolls when it became federal government property. Operating under the auspices of 33 U.S.C. § 701c-3, the

federal government fills the ensuing local revenue gap by sending funds annually to the State of Texas based on a percentage of the revenue produced (in this instance) by the Corps' operation of Lake Texoma. The State of Texas, in turn, disburses those funds to local governments. This reimbursement plan provides substantial revenue to Grayson County. In 2007, for example, local governments in the County are reported to have received over a million dollars under this program.

9. Lake Texoma is under the administration of the Tulsa District of the federal Corps of Engineers. As part of its administration of the lake, the Corps has developed a Shoreline Management Plan and, under that plan, the Corps issues non-transferable Shoreline Use Permits ("SUPs") to private applicants who pay the requisite fee, authorizing the location of boat dock facilities on Lake Texoma's waters, adjacent to the lake's shoreline. Among other things, the SUPs issued to, and held by, the Plaintiff Texoma Boat Dock Owners identify the holder of the permit, personal contact information (including address and phone number), the authorized location for the permitted boat dock, and a specific identification number for the permit. The boat docks must publicly display the specific identification permit number for the dock; however, other personally identifiable information does not have to be publicly displayed.

10. The permits come with numerous conditions attached to them. Among these conditions is an express provision that the SUP conveys no property rights in either real estate or material. Additionally, nothing in the permit authorizes any actions by permittees with regard to the moored boat docks that would give the appearance that the federal public property on which they are located has been converted to private use.

11. The official policy of the Corps of Engineers is that the SUP records held by the Corps contain confidential information not subject to public disclosure. This policy is based on the position that disclosure of individual SUPs would constitute a “clearly unwarranted invasion of personal privacy” of the individuals holding the SUPs and would be a breach of the personal privacy of the permittees.

12. There currently are more than two hundred private floating boat docks on Lake Texoma in Grayson County. Notwithstanding the federal reimbursement system, outlined in paragraph 8, above, GCAD embarked on a concerted effort in early 2007 to take whatever steps it deemed necessary to add the full panoply of over 200 privately-owned Lake Texoma boat docks to its local tax rolls. Yet, it had no available source to determine dock ownership. Hence, in disregard of the personal privacy interests of the Plaintiff Texoma Boat Dock Owners, GCAD determined that it was going to try to obtain the private information on the Lake Texoma boat docks in Grayson County from the confidential records maintained by the Corps. On January 9, 2007, Pam Lammers, a GCAD appraiser, wrote the Denison office of the Corps of Engineers, formally requesting under the federal Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), “a listing of all the boat docks and boat slips in Grayson County,” including boat dock ownership information such as names, addresses, permit numbers, dimensions, locations, and whether electricity was being used.

13. Whether through inadvertence or design, the Corps mischaracterized GCAD as a *federal* agency in evaluating the FOIA request and disregarded the requirements of the federal Privacy Act of 1974, 5 U.S.C. § 552a. On January 26, 2007, about two weeks after receiving the request, in what GCAD accepted as a service to the

local appraisal district, the Corps provided GCAD the SUP records it had requested; however, the provision of the records and their information was expressly made conditional because of the “confidential and/or Privacy Act information” contained in the documents. The Corps-imposed conditions were that the documents could be used “for official purposes only” and GCAD was “not to release them to anyone outside” GCAD offices. The Corps did not notify the sources of the disclosed records—that is, the Plaintiff Texoma Boat Dock Owners—of the disclosure it was making, thereby depriving them of the opportunity to exercise their right under Corps regulations to object to the disclosure. The direct and intended beneficiaries of the Corps’ conditions on provision of the confidential records and information were the Plaintiff Texoma Boat Dock Owners.

14. GCAD agreed to the two Corps conditions for provision of the requested SUP records and the information contained in them. GCAD twice explained this point in a letter of October 1, 2007, to the Texas Attorney General’s Office: “The information was disclosed to the District [GCAD] *after a promise it would be held confidential.*” (emphasis added). And, a little later in the letter, this point was reiterated: “The property information was disclosed to the District after a promise to the owner it would be held confidential.” Based on that agreement, GCAD received the SUP records in both electronic and hard-copy format. It still retains all that data.

15. GCAD made prompt use of the SUP records, and the information that they contained, in putting together its tax rolls for 2007. Without bothering to try to independently confirm any of the data it took from the Corps-provided SUP records, GCAD used the information provided by the Corps to identify, among other things, boat dock owners’ personal names and addresses, the dates of ownership, and the size of the



structures allowed under the permits (including the number of slips within each dock), and the location of each dock on the lake. This information, whose only source was the confidential material provided GCAD by the Corps, then was placed in the official GCAD tax rolls for 2007, which in turn was provided to the Grayson County Appraisal Review Board (“ARB”) for final confirmation of the 2007 tax rolls for Grayson County. Under Texas law, tax rolls, in physical form, must be made “readily available to the public.” TEX. PROP. TAX CODE § 1.10.

16. Next, with all the confidential information still included, these publicly available, ARB-approved tax rolls became the official 2007 appraisal records for Grayson County. GCAD had to make these records accessible to the Grayson County Tax Assessor-Collector. TEX. PROP. TAX CODE § 25.20. Additionally, they were provided, as required by law, to each taxing unit in Grayson County. TEX. PROP. TAX CODE § 26.01(a).

17. In short, GCAD took the confidential information about the Plaintiff Texoma Boat Dock Owners that, as a condition of receiving the information in the first place, it had expressly agreed *not* to provide to anyone outside GCAD’s offices, and made it widely available outside its offices.

18. GCAD took these actions with full knowledge that the federal Privacy Act, 5 U.S.C. § 552a, made them unlawful. GCAD itself explained the situation in an August 16, 2007, letter to the Texas Attorney General. There, GCAD explained that the boat dock ownership information received from the Corps for the 2007 tax year “contains the names, addresses, license numbers, and other private information. *The release of this*

*information is governed by the Federal Privacy Act of 1974[.]*” (emphasis added). GCAD concluded, therefore, that “these records are confidential.”

19. The Corps agreed on this point. It wrote the Attorney General of Texas on August 22, 2007, that the documents it provided GCAD “contained information subject to Exemption 6 of the FOIA, which protects the personal privacy of individuals.” As a consequence, the Corps explained, it imposed the two conditions described in paragraph 13, above, on GCAD’s use and distribution of the documents.

20. Not only did GCAD make the unauthorized public disclosures; it breached its confidentiality agreement with the Corps in the face of GCAD’s own understanding of the risks of the disclosure to the individuals involved, an understanding outlined in its October 1, 2007, letter to the Attorney General’s Office: “[T]he docks are generally open and have very little police protection. The docks are generally in coves and fairly secluded. The information contained on the document at issue indicates the dollars invested in the slip, (which might encourage criminals to single out the more expensive docks for potential theft) and it also indicates which docks may or may not have electricity. Couple this with the DE number (permit number) that has to be permanently displayed and a private citizen’s privacy is invaded. Anyone will then be able to drive up to a dock, look for the DE number, find out if the owner ... resides locally or out of town, see if the dock has electricity (if not-no lights) and then do whatever they wish.”

21. In addition to exposing the Plaintiff Texoma Boat Dock Owners to the threatened harms outlined in GCAD’s letter of October 1, 2007, to the Texas Attorney General’s Office, the combined actions of the Corps and GCAD also adversely affected the individuals whose confidential information was publicly disclosed and disseminated

by forcing the SUP permittees into a dispute with GCAD over local ad valorem taxation of the boat docks. Once it received the personally identifying information in the SUPs from the Corps, GCAD embarked on a course of action designed to publicly use the confidential, private Corps records against the permittees, but to deprive those permittees access to the very same documents and information on spurious legal grounds of confidentiality.

22. When some SUP permittees requested the Corps-provided documents and information (for boat docks moored nearby) in order to determine comparability for purposes of GCAD's appraisals of individual boat docks, the Corps refused to disclose the information. The reason it gave for this refusal was that the documents were confidential and not subject to public disclosure. In support of its effort to make public use of the Corps information, while at the same time depriving selected members of the public access to that information, GCAD misrepresented the nature of its actions to the Texas Attorney General's Office. On August 16, 2007, GCAD wrote to the Texas Attorney General's Office, requesting a determination under the Texas Public Information Act, TEX. GOV'T CODE ch. 552 ("TPIA"), that the records provided by the Corps were confidential, non-disclosable documents. The essential element of GCAD's argument was that the confidential records were those of the Corps, which GCAD falsely asserted was "the property owner". In response to a Texas Attorney General's Office request to clarify its assertions about the "property owner" whose confidential records were in question, GCAD compounded its false representations in a responsive letter of October 1, 2007. In that October 1<sup>st</sup> letter, GCAD represented to the Attorney General's Office that it received the records in connection with its "appraisal of *Lake Texoma*."

(emphasis added). This statement was a knowing misrepresentation by GCAD because, by its own assertions, Lake Texoma is owned by the Corps, federal law exempts such federally-owned property from ad valorem taxation, and governing Texas law, *see* TEX. PROP. TAX CODE § 11.12, mandates that GCAD must treat such property as exempt from ad valorem taxation. GCAD was well aware at the time it made this representation that it was *not* appraising Lake Texoma, but, instead, was endeavoring to appraise private boat docks moored on Lake Texoma under the authority of SUPs that the Corps issued the individuals.

23. GCAD's mischaracterization to the Texas Attorney General's Office was a necessary step in its calculated move to withhold from boat dock owner review appraisal records that otherwise would be subject to such review under TEX. PROP. TAX CODE § 25.195(a). GCAD's objective was to have the boat dock owner appraisal information held confidential and non-disclosable under TEX. PROP. TAX CODE § 22.27(a), which subsection (b) of TEX. PROP. TAX CODE § 25.195 carves out as the only exception to the public disclosure and review rule in subsection (a) of that provision. Through the deceptive sleight-of-hand of having the Corps characterized as the "owner of the property" as to which the SUP information had been disclosed, GCAD could invoke the confidentiality provision in TEX. PROP. TAX CODE § 22.27(a) to prevent Plaintiff Texoma Boat Dock Owners from having available the full set of information to dispute GCAD's appraisals even as GCAD simultaneously was making public use of that same information. GCAD knew at the time of its misrepresentation that the "owner of the property" whose appraisal GCAD was undertaking was not the Corps, but, instead the SUP holders. In reliance on GCAD's mischaracterization of the facts and circumstances

of the matter involving the requested SUP records, the Office of the Texas Attorney General authorized GCAD to withhold the information, through a letter of October 9, 2007.

24. The Corps and GCAD now have begun the same process for 2008 that they undertook in 2007. Within the last month or so, the Corps again has provided GCAD the confidential SUP records for Grayson County. GCAD is now in the process of using those records to prepare its 2008 appraisal rolls, which then will become the 2008 appraisal records for Grayson County.

#### **LEGAL CLAIMS**

##### **First Claim—*Privacy Act, 5 U.S.C. § 552a(g)(1)(D), Against the Corps***

25. The Corps' disclosure in 2007, as well as the separate and additional disclosure in 2008, to GCAD of the SUP records of each of the Plaintiff Texoma Boat Dock Owners (which records the Corps maintains as part of a system of records), was: (i) not authorized by 5 U.S.C. § 552a(1)-(12); (ii) without advance notification to, or consent from, any of the Plaintiff Texoma Boat Dock Owners; (iii) willful and intentional; and (iv) adversely affected each of the individual Plaintiff Texoma Boat Dock Owners. Therefore, separately for 2007 and 2008, the Corps has violated the requirements of the federal Privacy Act and is civilly liable to each of the Plaintiff Texoma Boat Dock Owners under 5 U.S.C. § 552a(g)(1)(D).

##### **Second Claim—*TPIA, TEX. GOV'T CODE §§ 552.007(a), 552.101, & 552.352(a), Against GCAD***

26. GCAD's use and distribution in 2007 of the SUP records (conditionally provided by the Corps in 2007), and information derived from those records concerning the Plaintiff Texoma Boat Dock Owners, is expressly prohibited by law and constitutes

the improper distribution of information deemed confidential under law, as prohibited by TEX. GOV'T CODE §§ 552.007(a), 552.101, and 552.352(a). GCAD's current threat and plan to take the same illegal steps in connection with the SUP records provided by the Corps in 2008 likewise violates the cited TPIA confidentiality requirements. Therefore, such actions may be judicially remedied under TEX. GOV'T CODE § 552.3215(b).

**Third Claim—Breach of Contract Against GCAD**

27. GCAD's use and distribution in 2007, as well as its intended and threatened use in 2008) of the SUP records (conditionally provided by the Corps in 2007), and information derived from those records concerning the Plaintiff Texoma Boat Dock Owners, is a breach of its contract with the Corps for the Corps to provide it the service GCAD received under the contract. As the third-party beneficiaries of the contract between GCAD and the Corps, the Plaintiff Texoma Boat Dock Owners seek to remedy the contractual breach as it harms them, requesting appropriate relief to which GCAD has no governmental immunity.

**PRAYER FOR RELIEF**

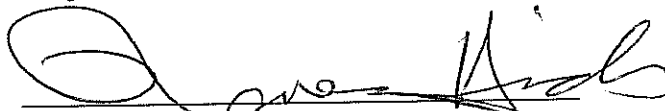
28. Each of the Plaintiff Texoma Boat Dock Owners requests relief as follows:

- a. Actual monetary damages against the Corps of Engineers, but in any event not less than \$1,000, *see* 5 U.S.C. § 552a(g)(4)(A), for the Corps' 2007 disclosure of records to GCAD;
- b. Actual monetary damages against the Corps of Engineers, but in any event not less than \$1,000, *see* 5 U.S.C. § 552a(g)(4)(A), for the Corps' 2008 disclosure of records to GCAD;

- c. Attorney fees against the Corps of Engineers as authorized under 5 U.S.C. § 552a(g)(4)(B);
- d. a declaratory judgment that the Corps of Engineers violated the Privacy Act, including 5 U.S.C. § 552a(g)(1)(D), in its disclosure to GCAD of the SUP records of the Plaintiff Texoma Boat Dock Owners in 2007 and 2008;
- e. an injunction against the Corps of Engineers, prohibiting further violations by the Corps of Engineers of the rights of the Plaintiff Texoma Boat Dock Owners under the Privacy Act, including 5 U.S.C. § 552a(g)(1)(D), and requiring the Corps of Engineers to fully retrieve the SUP records of the Plaintiff Texoma Boat Dock Owners that it provided GCAD in 2007 and 2008;
- f. a declaratory judgment against GCAD that its use and distribution of the Corps-provided SUP records of the Plaintiff Texoma Boat Dock Owners in 2007, and its threatened use of such records in 2008, violates the confidentiality requirements of TPIA;
- g. an injunction against GCAD, prohibiting GCAD from any future use and distribution of the Corps-provided SUP records of the Plaintiff Texoma Boat Dock Owners in the future in violation of the confidentiality requirements of TPIA and requiring GCAD to fully purge its system of the SUP records of the Plaintiff Texoma Boat Dock Owners that the Corps of Engineers provided it in 2007 and 2008 and fully return such records to the Corps of Engineers;

- h. an equitable decree, requiring GCAD to specifically perform its contract with the Corps of Engineers governing the use and distribution of the SUP records of the Plaintiff Texoma Boat Dock Owners that the Corps of Engineers provided it in 2007 and 2008;
- i. Attorney fees against GCAD as authorized under TEX. GOV'T CODE § 552.323(a);
- j. Court costs; and
- k. Such other and further relief as is warranted and appropriate.

Respectfully submitted,



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