

P. 13

THIEN AN VO, Pro Se,) IN THE HARRIS COUNTY
 Indigent Plaintiff,) DISTRICT COURT,
 V.) STATE OF TEXAS.
 HARRIS COUNTY TOLL ROAD) COURT NO 11
 AUTHORITY ("HCTRA") and its) PLAINTIFF'S ORIGINAL
 Administrative Hearing,) COMPLAINT, Request for
 Defendant(s).) Discovery, Request for
) Oral Argument(s),
) Jury Trial Requested..

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE DISTRICT COURT JUDGE:

FILED
 MARILYN BURGESS
 DISTRICT CLERK
 HARRIS COUNTY, TEXAS
 2021 MAY 10 PM 8:40
 CIVIL AFTER HOURS

1) Comes now, Plaintiff Thien An Vo, appear
 before this Court, in Pro se, indigent, with Statement
 of Inability to Afford Payment of Court Costs (Rule 145
 Tex. R. Civ. Proc.; Supreme Court of Tex. Misc. Docket
 No. 16-9056, May 2016) and hereby files "PLAINTIFF'S
 ORIGINAL COMPLAINT" against Harris County Toll Road
 Authority and its Administrative Hearing, with Request

for Discovery, request for Oral Argument(s), and Jury Trial Requested, Plaintiff alleges as follows:

I) Discovery Control Plan

2) Discovery is intended to be conducted under level 2 of the Texas Rule of Civil Procedure 109.3. This suit is not governed by the expedited action process in Texas Rule of Civil Procedure 169 because Plaintiff seeks declaratory and injunctive relief; Economic and non-economic compensatory damages would most likely exceed \$200,000 dollars, and exemplary damages should exceed \$200,000 dollars.

3) Plaintiff is requesting a jury trial for economic and non-economic compensatory damages, and a jury trial for exemplary damages [Tex. Civ. Prac & Rem, Chapter 41 et seq, & Sec. 41.001(4), (5), (8), (10a), (12)]

II) JURISDICTION AND VENUE

4) This Court has Jurisdiction under Texas Government Code, Title 2, Subtitle A, Chapter 24, subchapter A, Section 24.008. Jurisdiction is proper

because subject matter and amount in controversy are appropriate for this Court.

6) Venue is proper in Harris County pursuant to Tex. Civ. Prac. & Remedy Code, Section 15.002(a)(1&3) because all events or omissions giving rise to Plaintiff's claims occurred in Harris County. Plaintiff resides in Harris County and the Defendant HCTRA headquarter and its HCTRA administrative hearing is located in Houston.

III) PARTIES

7) The Plaintiff: Thien An Vo is a citizen of the United States and resides in Harris County, Texas. Plaintiff was an independent contractor/business owner driving passengers for fares in the City of Houston and its metropolitan areas for her livelihood in a Kia Sorento, SUV, License Plate "FGK8031", properly licensed as a commercial vehicle by the City of Houston Permit Department and Houston Airport System (HAS).

8) The Defendant: Harris County Toll Road Authority is a Local Government Corporation of Harris

County and is subdivided into a Services and an Operations Division. The Toll Road Authority Operation side administers to the construction, operation and maintenance of approximately 103-miles of toll road system and HOV lanes in the Houston/Harris County area.

9) HCTRA's service subdivision administers to EZ-TAG customers service and service to the general public for sales of EZ-TAGS, toll Permits, collections of toll fees and maintenance of customers accounts, along with administrative and collection services for toll violations and money owe to HCTRA.

10) HCTRA is a proprietary corporation of Harris County under the direct control of Harris County Commissioners Court ("HCCC"), with Peter Key as the interim Executive Director.

11) The Defendant's HCTRA administrative hearing is a proprietary creation of the County's governing body, HCCC, created for HCTRA, pursuant to Texas

Transportation Code, Chapter 284, et seq., for Counties with more than 2.8 or 3.3 million people in population.

IV CAUSE FOR ACTION

12) Plaintiff is suing Harris County Toll Road Authority and its administrative hearing for bad faith and unfair dealings to a legitimate HCTRA EZ-TAG customer.

13) In the relevant years of 2016 and 2017, HCTRA cited and prosecuted Plaintiff Thien An Vo for refusing to pay or failure to pay for 15 toll passages while Plaintiff's EZ-TAG Account was active, with available funds, and her American Express Blue Bird Credit Card as filed with HCTRA was active with funds available.

14) At each and every alleged toll violation date and time, HCTRA had electronic equipment failure at its EZ-TAG collection toll booth(s). Regular toll charges withdrawals were made by HCTRA from Plaintiff's HCTRA EZ-TAG account in between those alleged toll violations; regular withdrawals from Plaintiff's credit

card was obtained by HCTRA. No notice of failure to pay toll was sent to any correct addresses, and therefore none was received by the Plaintiff.

15) On April 12, 2016, Plaintiff was informed by a Harris County Sheriff Officer on the toll Road that her EZ-TAG account has been suspended; her vehicle license plate, Kia sorento, SUV, License Plate "FGH8031" had been automatically identified as a vehicle used in a crime committed with violence, which would subject her to an immediate arrest and her vehicle to be impounded.

16) Plaintiff showed the Sheriff Officer that her vehicle, Kia Sorento, SUV, was a properly registered and licensed as a commercial vehicle with the City of Houston and the Houston Airport System (HAS); that the vehicle was used for her livelihood.

17) Plaintiff then showed the Sheriff Officer, on her mobile phone, that her HCTRA EZ-TAG account was still active, with regular toll charge withdrawals made by HCTRA and recent HCTRA withdrawals made on her

credit card, the Sheriff Officer did not arrest the Plaintiff or impounded her commercial vehicle, used for her livelihood in transporting passengers in the City of Houston, Harris County, and its metropolitan areas.

18) Plaintiff was advised that the vehicle in question, Kia Sorento, SUV, license plate "FGK8031", used for her livelihood was now prohibited by HCTRA to be on any of its toll roads at the penalty of being impounded and its driver immediately arrested.

19) Plaintiff requested a judicial hearing and appeared on June 28, 2016 to clear her name, her vehicle used for her livelihood, with evidences that she had no intention to not pay for her tolls [HCTRA Customers Account Summary reflects that Thien An Vo's average yearly usage of tolls were in the amount of One Thousand Seven Hundred and Twenty Five Dollars (\$1,725) per year]; that at each and every toll passages, HCTRA had electronic equipment failures at its EZ-TAG toll collectio booth(s); that Plaintiff could not possibly

receive any of HCTRA's letter of notice because they were all sent to the wrong addresses.

20) HCTRA, as represented by Dianna Longo, Atty, Linebarger Goggan Blair and Sampson, LLP, informed Plaintiff that all it takes for a guilty verdict is that Plaintiff was the registered owner of the vehicle in question and that such vehicle did pass through the toll booth at such time and date. HCTRA then proceeded with prosecuting Plaintiff for those alleged toll violations, fully knowing that such violations were recorded as violations because HCTRA had failed to collect money from Plaintiff's EZ-TAG account.

21) Susequently, Plaintiff's Passenger Transportation Business revenue suffered from April 12, 2016 to July 2017 during the unnecessary and abusive litigation with HCTRA because of Harris County Commissioners Court's May 11, 2004 Order of Prohibition, prohibiting Plaintiff's vehicle from using its proprietary toll roads, turn pikes and HOV lanes in the City of Houston.

22) During the relevant period of litigation with HCTRA from June 28, 2016 to July 9, 2017 regarding the 15 toll violations that Plaintiff did not commit, HCTRA violated the following Commissioners Orders, the following state laws, state penal code and the Plaintiff's Bill of Rights:

22-(A) Texas Constitution, Article 1, Section 13, 14, and 19 (Right to an Open Court, Right to not be placed in Double Jeopardy, Right to not be charged Excessive Fines, Right to Due Process).

22-(B) Texas Penal Code: Chapt. 37, Sec. 37.02, Perjury; Chapt. 32, Sec. 32.48(a)(1) & (2A, 2B), Simulating Legal Process.

22-(C) Harris County Commissioners Court Order: HCCC May 11, 2004 Order (HCTRA Administrative Hearing Procedural Scheme); HCCC August 23, 2005 Order (HCTRA Administrative Fee Order); HCCC March 7, 2006 Order (HCTRA Collection Fee Order).

22-(D) Texas state laws: TRCP Rule 247, Rule 24-26, Rule 21; Tex Crim. Proc. Art. 1.03(3, 4, & 5), Art. 1.04; Tex. Crim. Proc., Chapt. 38, Sec. 38.03; Chapt. 45, Sec. 45.040; Tex Rules of Evidence Rule 404 & 608; Tex. R. App. Proc. Rule 38.6; Tex Transp. Code Chapter 228, Sec. 228.058(b) & (c) [falsely classified the status of Plaintiff's vehicle license plate on HCTRA's Automated Vehicle License Plate Recognition System as a vehicle that had been "used in a crime committed with violence"]; Chapter 284, Sec. 284.070(a)(2), Sec. 284.070(b), 284.0701 (b), (f), Sec. 284.204(b)(1)(B) & 284.204(b)(2).

23) As the direct result of HCTRA instigating Double Jeopardy prosecution, Excessive Fines, attempted of extortion through simulating a HCTRA Hearing Officer's Final Order Terms and Conditions, perjury to the County Court Judges, refusal to file its Appellees' brief in the Court of Plaintiff's choosing, and violations of State laws and Commissioners Orders mentioned above, Plaintiff Thien An Vo lost her

livelihood without due process under the law of the land and the State Bill of Rights.

24) Plaintiff is filing this Original Complaint today, May 10, 2021, for statute of limitation reasons. Plaintiff reserves her right to file An Amended Complaint as necessary; A supplement of court records and evidences will be file with this Complaint, or the Amended Complaint at a later date.

25) Plaintiff is seeking for economic compensation in the amount of \$67,500 for loss of business revenue from April 12, 2016 to July 9, 2017; compensatory damages for the total loss of Plaintiff's livelihood in the amount of \$50,000/year for fifteen years; non-economic compensatory damages in the amount of 1.5 million dollars, and a jury trial for exemplary damages as the jury deemed fit.

V) Prayer for Relief

26) For the cause and reasons raised above, Plaintiff hopes and prays that this Court would grant

Plaintiff a trial and all the reliefs that Plaintiff is asking for.

Vo Thien An May 10, 2021

Respectfully Submitted,

Thien An Vo, Pro Se

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Houston, Tex 77255

VERIFICATION AFFIDAVIT

I, Plaintiff-Petitioner, Thien An Vo, under penalty of perjury, hereby declare that I am mentally competent to testify in this matter, and from first hand knowledge, declare that the facts set forth regarding all matters stated in the above paragraphs are true and correct to the best of my experience, memory, knowledge and belief.

Vo Thien An 10/May/2021

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CERTIFICATE OF SERVICE

I, Thien An Vo, the undersigned, certify that a true copy of the above, and the Citation will be served on the Defendant Harris County Toll Road Authority's legal Counsel, Harris County Attorney Christian Mcnefee in accordance with the Texas Rules of Civil Procedure Rule 106 via the Harris County District Clerk office Constable Service.

Vo Thien An 10/May/2021

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