

CAUSE NO. 23-CV-0375

MARCUS A. SILVA,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
JACKIE NOYOLA, AMY	§	GALVESTON COUNTY, TEXAS
CARPENTER, and ARACELY	§	
GARCIA	§	
<i>Defendants.</i>	§	56TH JUDICIAL DISTRICT

DEFENDANTS/COUNTER-PLAINTIFFS
JACKIE NOYOLA'S AND AMY CARPENTER'S
ORIGINAL ANSWER AND COUNTERCLAIMS

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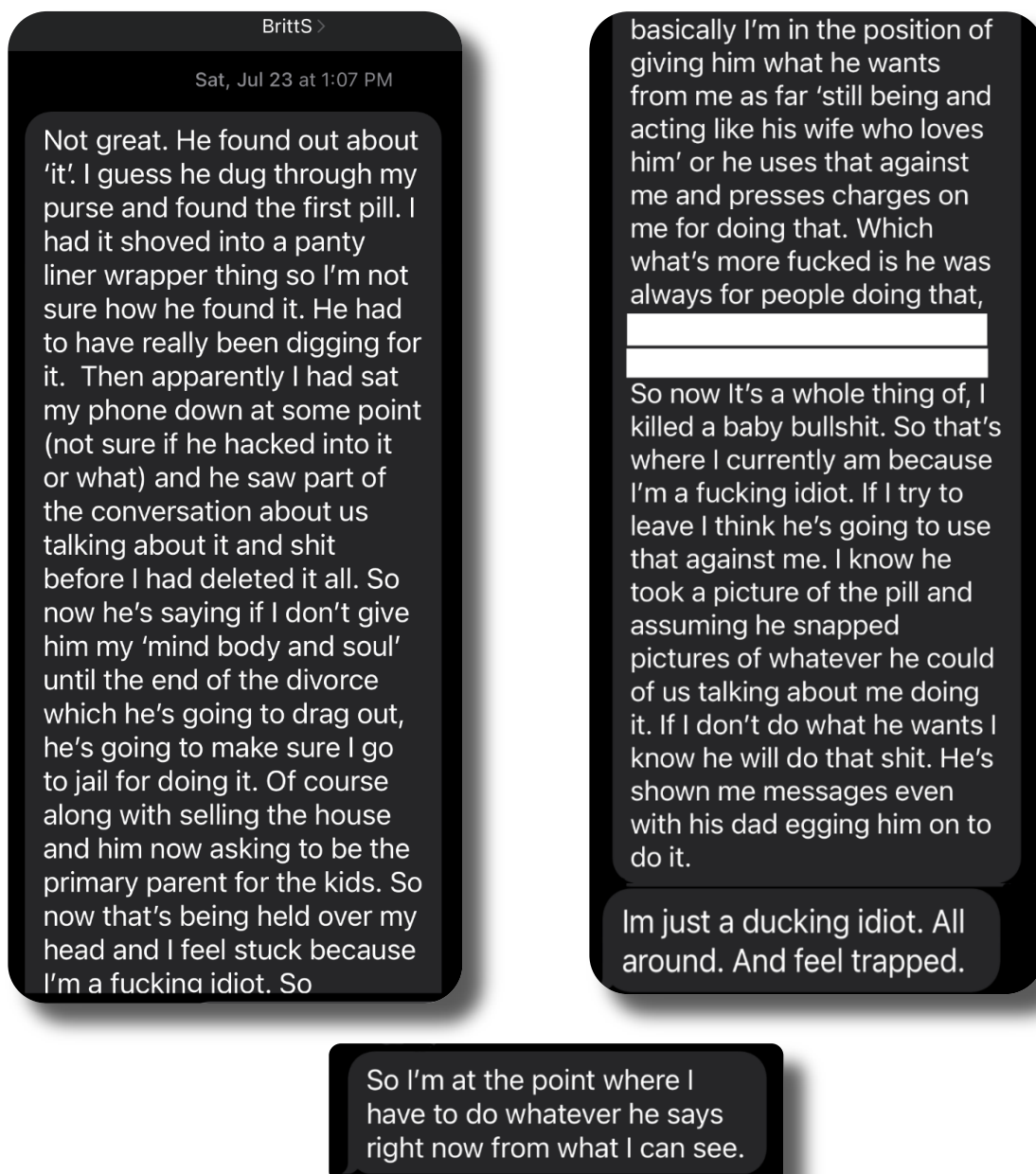
INTRODUCTION

Marcus Silva (“Silva”) did not file this lawsuit because he was upset Brittnei Silva (“Brittnei”), his soon to be ex-wife, had potentially terminated a pregnancy. He is not and was not morally opposed to Brittnei’s actions. As Brittnei told Defendant/Counter-Plaintiff Jackie Noyola, Silva “was always for people doing that [i.e., terminating a pregnancy].” Silva did not file this lawsuit because he is interested in “protecting life.” Instead, he wanted to control a life, Brittnei’s.

Silva was a serial emotional abuser. He had spent years verbally attacking Brittnei, seeking to manipulate and control her. He frequently sought to invade Brittnei’s privacy, including searching Brittnei’s phone without her consent. In May 2022, Brittnei finally filed for divorce. Initially, they continued to live in the house together. But Silva kept trying to control her. On July 12, 2022, as he would later admit to the police, he accessed her phone without her consent. He not only reviewed Brittnei’s private text messages with Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter (“Jackie and Amy”), but he also secretly rifled through her purse. He discovered that Brittnei was possibly pregnant and that she wanted to terminate the possible pregnancy. The very next day, Silva searched Brittnei’s purse again. This time he found the first pill that is taken to begin a medication abortion:

LEAGUE CITY POLICE DEPARTMENT		
Event Report		
Event ID: 2022-395244	Call Ref #: 213	Date/Time Received: 07/18/22 19:15:53
Caller: SILVA, MARCUS		Alarm: 3
Addr: [REDACTED]	Phone: [REDACTED]	Alarm Type:
<p>Notes: I arrived to the League City Jail lobby to speak with the reportee, Marcus Silva . He stated that last Tuesday (07/12), he went into his wife’s, Brittnei Silva purse and located a post-it note containing the phone number to a hotline for an abortion clinic. Marcus stated that he went through his wife’s phone that same day and saw text messages between his wife and several other people planning out the purchase and delivery of the abortion.</p> <p>Marcus told me that it wasn’t until the next day (07/13) that he went through his wife’s purse again and located a small white circular pill that had "MF" imprinted on it. He told me that he did a search through a pill identifier website and found this to be the first pill of the abortion process.</p> <p>Marcus also informed me that he and his wife are going through a divorce and was upset that she did not at least have this conversation with him.</p> <p>Marcus told me that he is upset at the people who helped his wife due to their being potential complications.</p> <p>I informed Marcus that I would document everything he told me and relay it. [07/18/22 20:24:41 Unit:1225] RP NOW IN THE JAIL LOBBY [07/18/22 19:31:16 JHA] NAME: SILVA, MARCUS, ALEXANDER</p> <p>ETA 10 MINUTES [07/18/22 19:17:18 MVOTAW] RP COMING TO THE PD - SILVER NISSAN ALTIMA [07/18/22 19:17:12 MVOTAW] RP WANTING TO REPORT A SUBJECT THAT PROVIDED HIS WIFE WITH ILLEGAL ABORTION PRESCRIPTION PILLS. [07/18/22 19:16:11 MVOTAW]</p>		

Rather than talking with Brittnei about what he found or disposing of the pill, Silva took photos of the texts and surreptitiously put the pill back. He wasn't interested in stopping her from terminating a possible pregnancy. Instead, he wanted to obtain evidence he could use against her if she refused to stay under his control, which is precisely what he tried to do. Less than two weeks after Brittnei took the abortion medication, Silva confronted her about it. Brittnei texted Amy that he was threatening to have Brittnei thrown in jail if she did not give herself to him "mind body and soul":



Silva's plan to blackmail and control Brittnei failed, and their divorce was finalized in February 2023. This did not stop Silva from continuing his abusive behavior. Approximately a month later, Silva turned his extortion plan into one for revenge and profit. Because he can't sue Brittnei, he filed a lawsuit against her best friends, Jackie and Amy, seeking over a million dollars in damages. However, Silva did not file this lawsuit because he has experienced any injury. Instead, he filed this lawsuit because he wanted to destroy the life of his ex-wife, Brittnei, and the friends who helped her escape him.

Silva is seeking to publicly humiliate Brittnei and her friends under false pretenses. While he excoriates Brittnei, Jackie, and Amy, he ignores and omits his own horrible conduct and complicity. His petition makes no mention of the years of abuse to which he subjected his ex-wife. And he doesn't explain why he should be entitled to even a penny in damages when he knew about Brittnei's intentions before she acted but chose not to say or do anything, instead lying in wait. Nor does he disclose that when he was threatening Brittnei and pleading with her to stay, he told her he would have helped her with the abortion if she had told him about it. The hypocrisy of Silva seeking more than a million dollars in damages is as shocking as it is shameful. It is a craven misuse and abuse of the judicial system to facilitate his ongoing harassment and abuse of his ex-wife.

In this lawsuit, Silva brazenly (and falsely) claims that the mother of, and sole financial provider for his children, Brittnei, and her friends, Jackie and Amy, are murderers. He makes this statement solely for shock value. Brittnei, Jackie, and Amy did not commit murder. Brittnei had every right to terminate the possible pregnancy. Texas law clearly states that a mother does not commit murder or any other form of criminal homicide if she terminates a pregnancy. *See* TEX. PENAL CODE § 19.06 (stating the crimes of murder, capital murder, manslaughter, and criminally

negligent homicide “do[] not apply to the death of an unborn child if the conduct charged is: (1) conduct committed by the mother of the unborn child.”).¹ And it is axiomatic that anyone who supports a mother’s lawful conduct also does nothing wrong. Jackie’s and Amy’s only offense was their willingness to talk with Brittni about her options, share information about available resources, and ultimately support her decision to self-administer abortion medication so as to terminate a possible pregnancy. In essence, they are being sued because they were good friends. Indeed, Jackie and Amy are the friends we all wish we had. They gave Brittni solace and safe harbor when Silva sought to abuse and control her. They helped her break the cycle of emotional abuse. They don’t deserve to be sued; they deserve to be applauded.

RESPONSE TO PETITION

A. Brittni, Jackie, and Amy developed a close relationship that supported Brittni through years of abuse by Silva.

Amy and Brittni met a few years ago through work. They quickly bonded, and Amy became a constant source of support for Brittni. Amy eventually helped Brittni get a job with her company, which is where Brittni met Jackie as well. The three of them became incredibly close friends. Beyond being co-workers, Brittni, Amy, and Jackie did things together outside of work. They shared meals, celebrated life events, took trips together, and they looked after each other’s houses and kids. They were in constant contact. Silva hated this.

During this time, Brittni shared the stories of her destructive relationship with Silva. He took advantage of the fact that Brittni desperately wanted to keep the marriage together for their two small children. He employed the classic tools abusers use. Silva would frequently get drunk and viciously verbally attack Brittni, only to later turn around and seemingly build her back up.

¹ Nor can a woman be held civilly liable for terminating her own pregnancy.

He constantly sought to isolate her from her friends by verbally attacking them and publicly denigrating Brittnei. And he prevented her from leaving the house or going to see her friends. One of his favorite tricks was to take or hide the car keys. Brittnei recounted this to Jackie and Amy on more than one occasion:

Last night he tried saying if he could go through my phone he would give up the equity in the house if I keep it. So I told him hell no. I'm positive he hid my keys this morning, which of course claims he didn't. 🙄

BrittS
I'm glad I left the house with the girls. Yesterday after I had to get him from the park and dropped him off at home, he wouldn't give me the keys to the car. Eventually he finally did and I left and took them shopping like I had planned

There were times that Brittnei was forced to sleep in her children's room to avoid him. But Brittnei texted Amy to tell her that even this did not always stop him. On at least one occasion, he followed Brittnei into the girls' room and fell asleep on the floor.

It's just that he doesn't stop which is the exhausting part. I've been sleeping in [redacted]'s bed and he came in the room and slept on the floor at one point

Silva even threatened the dog, Gus. And Brittnei further confided in Jackie that one night Silva burned their wedding photos:

BrittS
Oh! I didn't get to tell y'all. Apparently he took our pictures off the wall from when we got married, and burned them. I was just like

On a few occasions, Brittnei was so desperate to escape Silva that, as she told Jackie and Amy in a text, she called the police:

BrittS

And yes, it got to a point where he wouldn't leave me alone. So I told him I was calling the police, which I did. And then I had my brother in law come over to help me get what I could from the house. Me and [REDACTED] came back to my sisters. I currently don't plan on going home unless it's to grab whatever I can to bring out of the house for now.

I mean wouldn't leave me alone as in harassment and following me through the house.

Even though Silva was unemployed during their marriage, Brittnei's time away at work made him distrustful and jealous. Silva regularly falsely accused Brittnei of having an affair. He repeatedly demanded access to her phone. But on every occasion, Brittnei denied his unwarranted accusations and access to her phone. Silva ignored her. Brittnei explained that she tried changing her password, but he kept getting around it, using the girls to do so:

I kept changing my password, so the only thing I can think is when I let [REDACTED] play with it or something and happened to take it from her. Lately I've been putting it into my pillowcase and sleeping on it. And it's true. I have been dumb. I've still been caring more about his feelings and not 'being mean' over doing what the hell I need to do. I don't know why I kept thinking he wouldn't make things hard on me.

Silva's attempts to control Brittnei were suffocating. She felt trapped in an unending cycle of emotional abuse. Brittnei told Jackie and Amy that she thought "the abuse will never stop" and that she was "just getting emotionally beat down over and over." She was "emotionally and internally drained in nearly every way."

Jackie and Amy were there for Brittnei when she needed someone to listen or a shoulder to cry on. When Silva would tear her down, Jackie and Amy were there to help build her back up. Amy and Jackie spent hours counseling Brittnei over Silva's abuse. They reinforced that she was a good mother, provider, and person. And they assured her that she was not alone, and that it was not weak to ask for help. Brittnei told Jackie and Amy that they were key to helping Brittnei realize her self-worth:



B. Silva's extreme and vicious attacks on Brittnei and her friends and coworkers served as a catalyst to Brittnei filing for divorce.

In April 2022, Silva got wildly drunk at a work event for Brittnei. He verbally attacked and threatened Brittnei in front of her coworkers. He loudly berated and belittled Brittnei calling her a "slut," a "whore," an "unfit mother," and proclaimed that "he loved his dog more than he loved his wife." Silva's vitriol spilled over to attacking Jackie and Amy. He made derogatory statements about Jackie being single and then said horrible things about Amy's deceased mother. Things got so bad that the police were called and—after Brittnei gave him money for a hotel—Silva was escorted off the property. This incident served as the catalyst Brittnei needed to leave Silva. In May 2022, Brittnei filed for divorce.

C. Brittnei discovers that she is possibly pregnant and self-administers abortion medication. Even though Silva learned that Brittnei was possibly pregnant after rummaging through her purse and phone, he chose not to mention it to Brittnei, and instead slyly returned the abortion pill to her purse.

In July 2022, Brittnei took a home pregnancy test and it was positive. Brittnei's period was only a few days late, but she was concerned the test was right. She believed that Silva would use the pregnancy as an anchor to their toxic and increasingly dangerous marriage. Silva has a lengthy history of manipulating, controlling, and emotionally abusing Brittnei.

As she often did, Brittnei texted Jackie and Amy about her fears. They exchanged several texts discussing potential options and lamenting the fact that obtaining abortion medication had recently become more difficult. When Amy asked Brittnei what she wanted to do, Brittnei was clear: "Not questioning if this is what needs to happen, I know it does." Thus, not surprisingly, Jackie and Amy fully supported their friend's decision to terminate the possible pregnancy.

Even though Brittnei had filed for divorce, she and Silva were still living in the house together. Silva was becoming increasingly abusive. On July 12, 2022, blinded by unfounded jealousy, and contrary to Brittnei expressly prohibiting him from accessing her phone, Silva secretly rifled through Brittnei's purse without her knowledge or consent and illegally searched her phone. He found a post-it-note in her purse with a phone number to a "hotline for an abortion clinic." As he was illegally reviewing messages on her phone, he found personal texts between Brittnei and Jackie and Amy discussing Brittnei's possible pregnancy and her desire to terminate it. Brittnei was afraid Silva would use it to manipulate her into staying with him.

The next day, on July 13, 2022, Silva went through Brittnei's purse again without her knowledge, and this time he found a small white circular pill imprinted "MF". After searching a pill identifier website, Silva determined that the pill was the first in a series of pills that could be taken for a medication abortion. Silva then purposefully returned the pill to Brittnei's purse and did

not mention anything to her about possibly being pregnant or her intent to terminate the possible pregnancy. Silva didn't care to stop her. He was more interested in the images he took of the text messages so that he could use them against her. Thus, Silva laid in wait.

Brittini self-administered abortion medication on July 14, 2022. She stayed home from work the next day, which was Friday, and returned to the office the following Monday. Four days later, on July 18, 2023, Silva went to the League City Police Department and filed a police report wherein he admitted to the officer that he was not only aware of Brittini's intent to terminate the possible pregnancy before she had taken any pill to do so, but that he had illegally accessed her phone without her permission.

D. Silva used his knowledge of Brittini terminating a possible pregnancy to threaten and try to control her.

Shortly after Silva filed his police report, Silva made his move. Brittini texted Jackie and Amy informing them that Silva was using the termination of the possible pregnancy against her, and that he had known about the pregnancy and planned termination the whole time:

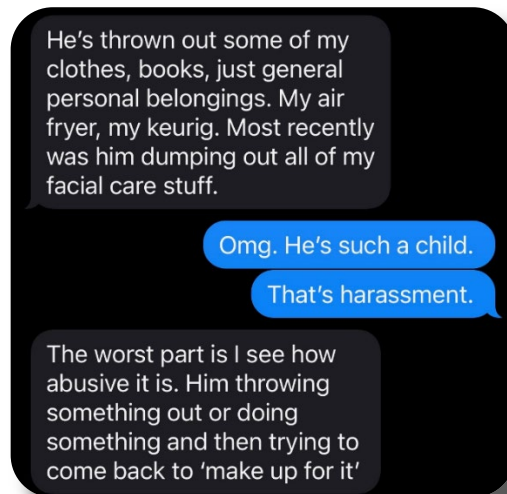
He said he has yes, but he didn't tell me about it until last night. Once I finally got home with the girls he had been drinking and He told me he knew. I asked him why he didn't say shit before and he said cause I didn't, he was doing what he needed to. Which I guess was trying to reach out to whoever and find out what he could do to me. I was like, well no shit. I told him I know he wouldn't have helped me with doing what I needed to either way. He said he would at first but then just made it more about the fact that I didn't give him the chance to even know about it. So basically because I didn't tell him in the first place that I was in that position he's using it against me.

Either way, he told me about it last night. The fact that he's known. So I am in the position where I basically need to do what he wants me to or he's threatening me. Which to him is selling the house, giving him primary custody of the kids still with 50/50, and basically playing wife until the divorce is final however he wants me to.

now he's using that against me and saying he will send me to jail for it if I don't do what he wants in short.

Brittini was distraught. She was worried that Silva would drag her friends into his hellish scheme. Brittini told Jackie and Amy that she would do whatever she could to try to keep them out of it. But the one thing she was not willing to do was bow down to his extortionist demands.

Silva's abuse continued to the point Brittini was forced to move out. She explained that at one point he threw her stuff away:



In the meantime, Silva sent harassing messages to Jackie and Amy using Instagram messenger to share screenshots of their texts with Brittini. He clearly hoped that this would scare them into convincing Brittini to accept his demands. But Jackie and Amy would not allow Silva to intimidate them or control Brittini. They had supported their friend's decision before and would not stop now just because her abuser was trying to terrorize them.

On February 2, 2023, Brittini and Silva's divorce was final. Brittini was able to keep her house and custody of the girls. Despite Silva's original protestations, he was ordered to start paying at least limited child support beginning in October 2023. But he still was not finished harassing Brittini and her friends.

E. When Silva was unable to force Brittnei into “playing wife,” he took revenge on her and her friends, seeking money for the termination of a possible pregnancy that he never wanted.

When Silva realized he could no longer control Brittnei, he changed his tactics to seek revenge and money. On March 10, 2023, Silva filed this contrived lawsuit against Jackie and Amy. In it, he once again had no shame about publicly lodging false and scurrilous allegations against the mother of his children. He wrongly claimed she was a murderer and he falsely claimed that he had been injured.

In the end, Silva’s lawsuit will fail. He cannot show that Brittnei, Amy, or Jackie did anything wrong, or that he was harmed. It is not illegal or wrongful for a woman to terminate her own pregnancy. It is not illegal or wrongful to help a friend do something she is legally permitted to do. It is not illegal or wrongful to talk privately (or publicly) about a woman’s options for terminating a pregnancy. Nor should it be.

GENERAL DENIAL

Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter generally deny all of Plaintiff/Counter-Defendant Marcus Silva’s allegations.

OTHER DEFENSES

Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter are not liable to Plaintiff /Counter-Defendant Marcus Silva. Silva’s claims are barred in whole or in part by the following defenses:

Silva is not entitled to recover in the capacity in which he sues. Silva is not a proper plaintiff in a wrongful death case, and Jackie and Amy demand strict proof that:

- (1) an injury caused the “death,” as defined in Texas Civil Practice and Remedies Code section 72.001(3), of an “individual,” as defined in Texas Civil Practice and Remedies Code section 71.001(4);

- (2) the individual injured would be entitled to bring action for the injury if the individual had been born alive, as required by Texas Civil Practice and Remedies Code section 71.003(a); and
- (3) Mr. Silva is the parent of a deceased individual as required by Texas Civil Practice and Remedies Code section 71.004(a).

Silva's claims are barred in whole or in part because there is not and cannot be any evidence that the alleged nonviable embryo "fail[ed] to be born alive" within the meaning of the statute. To the extent a nonviable embryo existed at all, it was miscarried, *i.e.*, expelled prior to viability.

Silva's claims are barred because he lacks "medical or other evidence that the mother of [an] individual was pregnant," as required by Texas Civil Practice and Remedies Code section 71.0055.

Silva's claims are barred in whole or in part because he is responsible for the alleged injury for which he seeks to recover. Pursuant to Texas Civil Practice and Remedies Code Chapter 33, Jackie and Amy request that the jury determine the percentage of responsibility attributable to Silva.

Silva's conspiracy claims are barred in whole or in part because no underlying tort was committed.

Silva's claims are barred because they are preempted by federal law.

Silva's claims are barred by estoppel and/or quasi-estoppel. To the extent a viable pregnancy ended as a result of Brittini's actions, Silva knew that Brittini planned to terminate her alleged pregnancy and acquiesced in accepting Brittini's actions. Silva's present position is inconsistent with his acquiescence and acceptance of the pregnancy's termination, and it would be unconscionable to permit him to benefit by changing his position now.

Silva's claims are barred in whole and in part by unclean hands.

Silva's claims against Jackie and Amy are barred because Brittnei was the sole proximate cause of the alleged self-managed abortion.

Silva's claim for attorneys' fees is barred because there is no basis in law for such recovery.

Silva's claim for exemplary or punitive damages is barred as a matter of law.

Silva's claims for exemplary damages are barred or limited by chapter 44 of the Texas Civil Practice and Remedies Code, and the Due Process and other applicable provisions of the Texas and United States Constitutions.

Silva's claims are barred because the conduct for which he has sued is protected by the Texas Constitution's right to privacy, and this conduct was neither wrongful nor tortious.

Silva's claims are unconstitutional and barred because the conduct for which he has sued is protected by United States and Texas Constitutions.

Silva's claims are unconstitutional and barred because *Roe v. Wade* 410 U.S. 113 (1973) was still in effect at the time the actions complained of allegedly occurred and therefore it protected Jackie, Amy, and Brittnei's alleged wrongful conduct.

Silva's claims are unconstitutional and barred because the conduct for which he has sued is protected by the First Amendment of the United States Constitution and article I, section 8 of the Texas Constitution.

Silva's claims fail because pre-*Roe* statutes were repealed by implication and therefore cannot form the basis of any complaint about Jackie's, Amy's, or Brittnei's conduct.

Silva's claims fail because they violate the equal protection guarantees of the United States and Texas Constitutions. *See* U.S. CONST. amend. XIV, § 1; TEX. CONST. art. I, §§ 3, 3a.

Silva's claims fail because they violate article I, section 19 of the Texas Constitution.

Silva's claims fail because they violate the Ninth Amendment of the United States Constitution.

COUNTERCLAIMS

Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter file the following counterclaims against Counter-Defendant Marcus Silva. Jackie and Amy respectfully show the Court the following:

Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter allege and incorporate by reference all the allegations contained above.

A. Invasion of Privacy – Intrusion upon Seclusion

Texas courts have long recognized both a common law and a constitutional right to privacy. The Texas Constitution protects personal privacy from unreasonable intrusion. The tort of intrusion upon seclusion has two elements: (1) an intentional intrusion, physically or otherwise, upon another's solitude, seclusion, or private affairs or concerns, which (2) would be highly offensive to a reasonable person. This type of invasion of privacy includes eavesdropping upon private conversations with the aid of wiretaps or microphones or spying. The right protected by an action for invasion of privacy is a personal right and may be maintained by any individual whose privacy has been infringed. An intrusion into an area where a party had an expectation of privacy is sufficient to support a claim for invasion of privacy.

One of the ways Silva harassed his then-wife, Brittini, was by eavesdropping on her private conversations and accessing her password-protected cell phone without her consent. Jackie and Amy had a reasonable and legitimate expectation of privacy in their personal communications with Brittini. Silva intentionally intruded upon that privacy by illegally accessing Brittini's phone. Silva's intrusion was unjustified and unwarranted, and it severely offended, humiliated, and outraged

Jackie and Amy. While evidence of Silva's intrusion itself is sufficient proof of injury, Silva's conduct also caused Jackie and Amy to suffer actual damages for which they seek relief.

B. Texas Harmful Access by Computer Act (HACA)

Chapter 33 of the Texas Penal Code states that a person commits a criminal offense by knowingly accessing a computer without the effective consent of the owner. TEX. PENAL CODE § 33.02(a). A cell phone, including Brittini's, qualifies as a "computer" under the statute. *See id.* §33.01(4).

The Texas Harmful Access by Computer Act ("HACA") provides a private right of action for a person injured by someone who violates Texas Penal Code Chapter 33. If a person knowingly and intentionally accesses a computer without the effective consent of an owner, they violate HACA. TEX. CIV. PRAC. & REM. CODE § 143.001(a).

Silva, without Brittini's consent, accessed her phone and examined the private contents of Brittini's text messages, including private texts between Brittini and Jackie and Amy. He not only retrieved data from the phone, but he captured it by photographing the text messages he reviewed. Silva admitted to the League City Police Department on July 18, 2022, that he accessed Brittini's phone without her authorization or consent on July 12, 2023. Accordingly, Silva has admitted that he committed a crime in violation of Texas Penal Code section 33.02(a) and further violated Texas Civil Practice and Remedies Code section 143.001. Silva's illegal and improper access to Brittini's phone has harmed and caused Jackie and Amy to suffer damages and losses for which they seek relief. In addition, Jackie and Amy seek attorneys' fees pursuant to Texas Civil Practice and Remedies Code section 143.002.

C. Demand for Judgment

As a direct and proximate result of Silva's actions described above, Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter incurred damages and losses for which they demand the following relief:

- i. An award of nominal, actual, and punitive damages and losses;
- ii. An award of court costs and attorneys' fees;
- iii. Pre- and post-judgment interest; and
- iv. Such other and further relief to which they may prove themselves entitled.

PRESERVATION NOTICE

Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter hereby provide notice to Plaintiff/Counter-Defendant Marcus Silva, Silva's counsel, and any of the persons involved or related to the facts alleged in this case to preserve any and all evidence from their respective cell phones, computers, other devices, social media accounts and applications, and any other information that could be potentially related to the alleged incidents or damages. This includes preserving all Instagram account information, postings, and messages; relevant YouTube videos; text messages; phone call records; voicemails; emails; and other communications related to these topics. It is imperative that Silva take all necessary steps to preserve evidence and information related to the alleged incidents and damages. This includes refraining from altering, modifying, deleting, overwriting, or removing any evidence or information, either directly or through a third party. In addition, no physical or electronic data storage device, including "clouds" should be removed from their current location, destroyed, altered, or scrubbed for metadata.

JURY DEMAND

Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter demand a jury trial and hereby tender the appropriate fee.

RIGHT TO AMEND

Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter reserve the right to amend this Answer and Counterclaims in accordance with the Texas Rules of Civil Procedure and any scheduling order of the Court.

PRAYER

For these reasons, Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter request that the Court: (1) deny Plaintiff/Counter-Defendant Marcus Silva's claims; (2) dismiss Plaintiff/Counter-Defendant Marcus Silva's claims with prejudice; (3) enter judgment that Plaintiff/Counter-Defendant Marcus Silva take nothing as to each of his claims against Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter; (4) grant Defendants/Counter-Plaintiffs Jackie Noyola's and Amy Carpenter's claims; (5) award Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter damages, nominal, compensatory, and punitive; (6) award Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter costs, reasonable and necessary attorneys' fees, and pre- and post-judgment interest against Plaintiff/Counter-Defendant Marcus Silva; and (7) award Defendants/Counter-Plaintiffs Jackie Noyola and Amy Carpenter all other relief, special and general, to which they are entitled, at law and equity.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served to all parties and/or counsel of record on May 1, 2023, pursuant to the Texas Rules of Civil Procedure.

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Shannon Campbell on behalf of Rusty Hardin

Bar No. 08972800

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Envelope ID: 75192803

Filing Code Description: Counter Claim/Cross

Action/Interpleader/Intervention/Third Party

Filing Description: Defts/Counter-Plaintiffs Jackie Noyola & Amy

Carpenter's Original Answer and Counterclaims

Status as of 5/1/2023 4:30 PM CST

Associated Case Party: Marcus Silva

Name	BarNumber	Email	TimestampSubmitted	Status
Jonathan F.Mitchell		jonathan@mitchell.law	5/1/2023 3:42:24 PM	SENT

Case Contacts

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Associated Case Party: Jackie Noyola

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Bar No. 08972800

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Envelope ID: 75192803

Filing Code Description: Counter Claim/Cross

Action/Interpleader/Intervention/Third Party

Filing Description: Defts/Counter-Plaintiffs Jackie Noyola & Amy

Carpenter's Original Answer and Counterclaims

Status as of 5/1/2023 4:30 PM CST

Associated Case Party: Amy Carpenter

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