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FILED-CLERK
 U.S. DISTRICT COURT
 2008 NOV 24 PM 1:28
 TEXAS-EASTERN
 BY _____

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

**STEVEN BELL, TXPS INC., AND
 MOHAMMED AL MUSA ON BEHALF OF
 THEMSELVES AND OTHERS SIMILARLY
 SITUATED**

Plaintiff

v.

REDFLEX TRAFFIC SYSTEMS, INC.

Defendant

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Case No. 4:08cv444
 MHS

Jury Trial is Demanded

ORIGINAL COMPLAINT

To the Honorable Judge of Said Court,

Comes now the Steven Bell, TXPS Inc., and Mohammed Al Musa, on behalf of themselves and others similarly situated, herein after referred to as "Plaintiffs", and files this their Plaintiff's Original Complaint, complaining of American Traffic Solutions Inc., for violations of the Texas Occupation Code, for negligence and seeking a permanent injunction, and for cause of action would show unto the Court as follows:

JURISDICTION

1. Plaintiff Steven Bell is an Individual who resides in, and whose principle place of

residence is Dallas County Texas.

2. Plaintiff TXPS Inc., is an Individual who resides in, and whose principle place of residence is Dallas County Texas
3. Plaintiff Ohammed Al Musa is an Individual who resides in, and whose principle place of residence is Dallas County Texas
4. Defendant Redflex Traffic Systems, Inc., is an Arizona Corporation whose address is Scottsdale Arizona, whose does business in the state of Texas, and who may be served with citation by service of its registered agent, National Registered Agents Inc., at 16055 Space Center, Suite 235, Houston Texas 77062.
5. The acts complained of herein were for the violation of the Texas State Occupation Code, Section 1702.101 et seq., as Defendant fails to maintain and keep the appropriate private investigations license, and Bond, and this Court has Jurisdiction pursuant to 28 U.S.C. § 1331.
6. There is complete diversity of citizenship between the parties, and the amount of damages sought is for in excess of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and attorney's fees, and this Court has Jurisdiction pursuant to 28 U.S.C., § 1332.
7. The causes of action complained of herein are for Texas State Occupation Code, Section 1702.101 et seq., as Defendant fails to maintain and keep the appropriate private investigations license, and pursuant to 28 U.S.C., § 1331 this Court has Jurisdiction. The parties herein are completely diversified, and pursuant to 28 U.S.C., § 1332, as the causes of action complained of herein arise under Federal Diversity. This Court has jurisdiction over these parties and this proceeding.

SERVICE OF CITATION

8. Defendant Redflex Traffic Systems, Inc., is a foreign Corporation, whose does business in the state of Texas, and who may be served with citation by service of its registered agent, National Registered Agents Inc., at 16055 Space Center, Suite 235, Houston Texas 77062.

BACKGROUND

9. On or about September 25, 2008, Plaintiff Mohammed Al Musa received and “Notice of Violation,” alleging a violation of Plano City Ordinance, Sect. 12-260-12-266, of the City of Plano for “Running a Red Light.” On or about October 30, 2008 and November 3, 2008, Plaintiff TPS Inc., received and “Notice of Violation,” alleging a violation of Plano City Ordinance, Sect. 12-260 through 12-266, of the City of Plano for “Running a Red Light.” On or about October 1, 2008, Plaintiff Steve Bell received and “Notice of Violation,” alleging a violation of Duncanville City Ordinance No. 1971, of the City of Duncanville for “Running a Red Light.”
10. The State of Texas, under the Texas Transportation Code, Sect. 544.007 et seq., sets forth the violation for failure to obey Traffic Control Signals, and the Texas Penal Code, at Sect. 6.03 specifically delineates the required mental culpability for prosecution of failure to obey a Traffic Control Signal. On June 15, 2007, Governor Rick Perry signed Senate Bill 1119, which became effective on September 1, 2007. This bill created Texas Transportation Code Section 707.001 et. Seq., establishing procedures for local entities that opted to use cameras to cite owners of vehicles that illegally run through red lights. The bill also provides specific processes for implementing a Photographic Traffic Signal

Enforcement Program, contracting certain duties to a vendor, imposing a civil penalty, and creating a hearing and appeals process.

11. Plaintiff's have now confirmed that Defendant Redflex Traffic Systems, Inc., is not licensed, nor bonded, with the State of Texas under the Texas Occupation Code Section 1702..101, et seq.
12. Defendant, based upon documents obtained, is the party who sold the system to the Cities of Plano and Duncanville, determined adequate site location, took and developed the picture, and presented all documents which were "evidence," upon which the alleged violation occurred. Defendant has accepted "employment to secure, evidence or use before a court, board, officer, or investigating committee." Such actions are a violation of the Texas State Occupation Code, Section 1702.101 et seq., as Defendant fails to maintain and keep the appropriate private investigations license and Bond.

CLASS ACTION FACTS

13. Plaintiff would show unto the Court that this action is ripe for classification as a class action suite as: (1) the class is so numerous that joinder of all members is impracticable ; (2) there are questions of law or fact common to the class as all members of the class have under the same issue of the Texas Occupation code; (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class as all claims arise from the same act of the obtaining of information for purposes of prosecuting violations of the same Cities of Plano and Duncanville Code of Ordinances; and (4) the representative parties will fairly and adequately protect the interests of the class.
14. Plaintiffs would further show that (1) prosecuting separate actions by or against

individual class members would create a risk of: (A) inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class; and (B) adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of the other members not parties to the individual adjudications or would substantially impair or impede their ability to protect their interests;

15. Plaintiff would further show that the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole

16. Plaintiff would request that this Court determine as a matter of law that the questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy as: (A) the class members' interests are superior to any action which would individually control the prosecution or defense of such separate actions, (B) the class members' interests are superior to any litigation concerning the controversy already begun by or against class members; (C) there is no desirability or undesirability of concentrating the litigation of the claims in the particular forum and as the Cities of Plano and Duncanville is within the Jurisdiction of this District Court, this Court is ; and (D) due to the disparity of the persons affected by this actions of Defendant, economically, and socially it is less likely a class action suit create difficulties in the managing a class action.

CAUSES OF ACTION

Violation of the Texas Occupation Code Per Se Negligence

17. Defendant, based upon documents obtained, is the party who sold the system to the Cities of Plano and Duncanville, determined adequate site location, took and developed the picture, and presented all documents which were “evidence,” upon which the alleged violation occurred, and is the basis for the indebtedness. Defendant has accepted “employment to secure, evidence or use before a court, boar, officer, or investigating committee.” Such actions are a violation of the Texas State Occupation Code, Section 1702.101 et seq., as Defendant fails to maintain and keep the appropriate private investigations license.
18. The violation of such statutes is negligence per se, as set forth under *Missouri P.R. Co., v American Statesman*, 552 S.W.2d 99 (Tex. 1977), as the violation of the statute is the cause in fact of the injuries, and that the injuries were foreseeable from the act of negligence.
19. Plaintiff has been injured by the improper collection of information “to secure, evidence or use before a court, boar, officer, or investigating committee” , and the attorneys fees incurred herein. Accordingly, Plaintiff is entitled to their, actual damages sustained from the issuance of the ticket, reasonable attorney’s fees, and punitive damages in an amount of not less than Three Million Dollars (\$3,000,000.00).

Permanent Injunction

20. As set forth in paragraphs 1 through 8 above, Defendant is (a) attempting to collect debts which it has actual awareness are not due and owing, and (b) operates as a private

investigative company in the State of Texas without proper license or bond.

21. Such actions are in violation of Texas State Statutes, including Section 1702 of the Texas Occupation Code, and should be prohibited.
22. Accordingly, Plaintiff seeks a permanent injunction prohibiting Defendants to attempt to act as a Private Investigative Agency, without appropriate license.

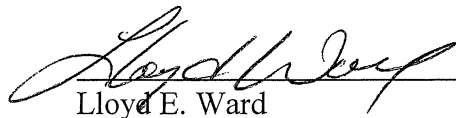
Jury Trial Demand

23. Plaintiff herein makes demand for a jury trial on this action.

Prayer

Wherefore, premises considered, Plaintiff prays that this Court require Defendants to appear herein, and upon final judgment grant Plaintiff its relief requested herein,, and such other and further relief as Plaintiff may be entitled to in law or equity

Respectfully Submitted



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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT

Eastern

District of

Texas

STEVEN BELL, ET AL.

SUMMONS IN A CIVIL ACTION

V.

REDFLEX TRAFFIC SYSTEMS, INC

CASE NUMBER:

4:08CV444

TO: (Name and address of Defendant)

REDFLEX TRAFFIC SYSTEMS, INC
C/O National Registered Agents Inc.
16055 Space Center, Suite 235
Houston Texas 77062.

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

LLOYD E WARD
17120 N DALLAS PARKWAY, SUITE 235
DALLAS, TEXAS 75248

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

DAVID J. MALAND

CLERK OF COURT



November 24, 2008

DATE

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ <div style="display: flex; justify-content: space-around; width: 100%;"> Date <i>Signature of Server</i> </div> <div style="text-align: center;"> _____ <i>Address of Server</i> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.