

The State of Texas



Citations Unit
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Secretary of State

January 19, 2006

Chris Cowan DBA NVC Consulting

████████████████████
Santa Barbara, CA 93103 ██████████

2006-116559-1

Include reference number in
all correspondence

RE: Spiral Dynamics Group Inc Vs Chris Cowan
211th Judicial District Court Of Denton County, Texas
Cause No: 200530034211

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of process received by the Secretary of State of the State of Texas on January 11, 2006.

CERTIFIED MAIL #71603901984905815918

Refer correspondence to:

William L. Wolf
William L. Wolf, P.C.
5949 Sherry Lane
Suite 550
Dallas, TX 75225

Sincerely,

A handwritten signature in cursive script that reads "Helen Lupercio".

Helen Lupercio
Supervisor, Citations Unit
Statutory Documents Section

hl/gl
Enclosure

THE STATE OF TEXAS
COUNTY OF DENTON

CITATION BY CERTIFIED MAIL -
CAUSE NO. 2005-30034-211

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer, with the clerk who issued this citation, by 10:00 a.m. on the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

To: Chris Cowan, DBA NVC CONSULTING, [REDACTED], Santa Barbara Ca 93103 [REDACTED],
THROUGH TEXAS SECRETARY OF STATE, C/O JAMES EARL RUDDER, STATE OFFICE
BUILDING 1019 BRAZOS AUSTIN TX 78701 Defendant.

Greetings: You are hereby commanded to appear by filing a written answer to the "PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND APPLICATION FOR INJUNCTIVE RELIEF" at or before 10:00 a.m. on the first Monday following the expiration of twenty days after the you were served with this citation before the 211th Judicial District Court at the Courts building of Denton County, Texas at 1450 E. McKinney, 2ND Floor, Denton, Texas.

Said PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND APPLICATION FOR INJUNCTIVE RELIEF was filed in said court, by WOLF, WILLIAM L. 5949 SHERRY LN., SUITE 550 DALLAS, TX 75225, (Attorney for Plaintiff), on 4TH DAY OF JANUARY 2006, in this case, numbered 2005-30034-211 on the docket of said court. The parties involved are: SPIRAL DYNAMICS GROUP INC, Plaintiff and CHRIS COWAN, Defendant.

The nature of the demand is fully shown by a true and correct copy of PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION AND APPLICATION FOR INJUNCTIVE RELIEF accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of Court at office in Denton, Denton County, Texas on January 05, 2006.

Sherri Adelstein, District Clerk
1450 E. McKinney, 1st Floor, P.O. Box 2146
Denton, Denton County, Texas 76202

By: *Melissa Lanham*
MELISSA LANHAM



CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on January 05, 2006, I mailed to Chris Cowan, DBA NVC CONSULTING, at [REDACTED], [REDACTED], Santa Barbara Ca 93103 [REDACTED] THROUGH TEXAS SECRETARY OF STATE C/O JAMES EARL RUDDER, STATE OFFICE BUILDING 1019 BRAZOS AUSTIN TX 78701 by registered mail or certified mail, with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the petition attached thereto.

By: *Melissa Lanham*



CERTIFIED MAIL NO.: 7104 2230 1690 2682 2373

Signed for on: _____
By: _____

2:30 PM
RECEIVED
SECRETARY OF STATE
JAN 11 2006

116559

CITATIONS UNIT

b. Defendant **Chris Cowan** may also be served by service upon the **SECRETARY OF STATE FOR THE STATE OF TEXAS, JAMES EARL RUDDER STATE OFFICE BUILDING, 1019 BRAZOS, AUSTIN, TEXAS 78701** pursuant to C.P.R.C. §17.045(a). **Chris Cowan's** last known home address is [REDACTED], **Santa Barbara, California. 93103**.

c. The Secretary of State for the State of Texas is the agent for service on Chris Cowan. Chris Cowan engaged and engages in business in Texas. Chris Cowan does not maintain a regular place of business in Texas. Chris Cowan does not have a designated agent for service of process. This lawsuit arises out of Chris Cowan's business in Texas.

3. Venue is appropriate in Denton County, Texas because all or part of Plaintiff's cause of action accrued in Denton County, Texas.

III. Factual Background

4. Defendant was a former student/assistant under Plaintiff's principal, Dr. Don Beck. Together, Cowan and Beck wrote a book entitled "Spiral Dynamics" and formed a corporation called National Values Center, Inc., a Texas corporation ("NVC").

5. However, Beck and Cowan went their separate ways. Beck formed Spiral Dynamics Group, Inc. Cowan began doing business under the name "NVC Consulting." Both SDI and Cowan have separate web sites.

IV. Causes of Action

COUNT I – TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS

6. Paragraphs 1 through 5 are realleged and incorporated herein at this point for all purposes.

7. Since their split, both Cowan and Beck have used and/or promoted theories, concepts, materials originating from SDI (the “Information”). However, Cowan, on information and belief, is interfering with SDI business relationships and customers, by asserting, among other things, that SDI, and/or SDI’s customers and licensees do not have the right to use or license the Information or, alternatively, that Cowan has the exclusive right to use and license the Information.

8. Defendant’s wrongful conduct was committed knowingly and willfully with the intent to injure Plaintiff. As a result of such conspiracy, Plaintiff has been damaged in an amount in excess of the minimum jurisdictional limits of this court. Plaintiff seeks recovery of such damages, including, but not limited to, exemplary damages.

COUNT II --- DECLARATORY JUDGMENT

9. Paragraphs 1 through 8 are realleged and incorporated herein at this point for all purposes.

10. Plaintiff seeks a declaratory judgment declaring that Plaintiff has the right and authority to use and license the Information.

COUNT III – ATTORNEYS’ FEES

11. Paragraphs 1 through 10 are realleged and incorporated herein at this point for all purposes.

12. Plaintiff is entitled to recover its attorneys' fees under the Texas Declaratory Judgment Act.

COUNT IV – APPLICATION FOR INJUNCTIVE RELIEF

13. Paragraphs 1 through 12 are realleged and incorporated herein at this point for all purposes.

14. Plaintiff further requests that Defendant be cited to appear and show cause and that upon such hearing, a temporary injunction be issued, enjoining Defendant, and his respective agents, employees, officers, directors, attorneys and other persons who receive actual notice of the temporary restraining order, from contacting Plaintiff's customers, subcontractors, and licensees and from otherwise interfering with Plaintiff's existing and prospective contractual relationships.

CONDITIONS PRECEDENT

15. Paragraphs 1 through 14 are realleged and incorporated herein at this point for all purposes.

16. All conditions precedent to Plaintiff's recovery have been satisfied, performed, waived, or excused.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff Spiral Dynamics Group, Inc. respectfully prays that:

1. Defendant be cited to appear and show cause and that upon such hearing, a temporary injunction be issued, enjoining Defendants, and his respective agents, employees, officers, directors, attorneys and other persons who receive actual notice of the temporary

restraining order, from contacting Plaintiff's customers, subcontractors, and licensees and from otherwise interfering with Plaintiff's existing and prospective contractual relationships.

2. The Court award Plaintiff general, special, consequential, exemplary, nominal, and/or other damages suffered by Plaintiff as a result of the wrongful conduct of Defendant.

3. The Court award Plaintiff its attorneys' fees, court costs, and prejudgment and post judgment interest to the fullest extent permitted by applicable law.

4. The Court award Plaintiff such other and further relief, legal and/or equitable, as to which Plaintiff may be justly entitled.

Respectfully submitted,

WILLIAM L. WOLF, P.C.

By: 

William L. Wolf

State Bar No. 21854500

Craig P. Henderson

State Bar No. 09420410

5949 Sherry Lane, Suite 550

Dallas, Texas 75225

(214) 750-1395

Fax: (214) 368-1395

ATTORNEYS FOR PLAINTIFF
SPIRAL DYNAMICS GROUP, INC.