

CAUSE NO. 342 222883 07

MURRAY STAGNER, AS NEXT FRIEND §
AND LEGAL REPRESENTATIVE OF §
COLLEEN STAGNER §

IN THE DISTRICT COURT OF

VS. §

TARRANT COUNTY, TEXAS §

WE CARE FAMILY SERVICES, INC. §
d/b/a COMFORT KEEPERS FORT §
WORTH & HEB, KRIS RYAN, §
CK FRANCHISING, INC., §
CBCINNOVIS, INC., AND §
MICHAEL HENDERSON a/k/a §
MICHAEL ANTHONY GILBERT §

_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, MURRAY STAGNER, AS NEXT FRIEND AND LEGAL REPRESENTATIVE OF COLLEEN STAGNER, complaining of WE CARE FAMILY SERVICES, INC. D/B/A COMFORT KEEPERS FORT WORTH & HEB, KRIS RYAN, CK FRANCHISING, INC., CBCINNOVIS, INC., AND MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT, hereinafter referred to collectively as Defendants, unless specified otherwise, and for cause of action would respectfully show the Court the following:

I.

DISCOVERY CONTROL PLAN

This is a Level 3 case under Texas Rule of Civil Procedure 190.

II.

PLAINTIFF

COLLEEN STAGNER is and was a resident of Colleyville, Tarrant County, Texas at all material times herein. MURRAY STAGNER is Plaintiff's son and is acting as her Next Friend and legal

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TARRANT COUNTY
2007 MAR -5 PM 3:26
THOMAS A. WILDEF
DISTRICT CLERK

representative, pursuant to a duly executed durable power of attorney.

III.

DEFENDANTS

Defendant WE CARE FAMILY SERVICES, INC. D/B/A COMFORT KEEPERS FORT WORTH & HEB is a Texas corporation chartered to do business in Tarrant County, Texas, and was conducting business in Tarrant County, Texas at all material times herein. Accordingly, pursuant to Texas Rule of Civil Procedure 106, Defendant may be served with process by mailing citation to Defendant's attorney of record Zach T. Mayer, FEE SMITH SHARP & VITULLO, 13155 Noel Road, Suite 1000, Dallas, Texas 75240 via registered or certified mail, return receipt requested, a true copy of the citation with a copy of the petition attached thereto.

Defendant KRIS RYAN was an employee of WE CARE FAMILY SERVICES, INC. D/B/A COMFORT KEEPERS FORT WORTH & HEB at all material times herein. Accordingly, pursuant to Texas Rule of Civil Procedure 106, Defendant may be served with process by mailing citation to the attorney of record for WE CARE FAMILY SERVICES, INC. D/B/A COMFORT KEEPERS FORT WORTH & HEB, Zach T. Mayer, FEE SMITH SHARP & VITULLO, 13155 Noel Road, Suite 1000, Dallas, Texas 75240 via registered or certified mail, return receipt requested, a true copy of the citation with a copy of the petition attached thereto.

Defendant CK FRANCHISING, INC. is a foreign corporation duly formed and existing under the laws of the State of Ohio, which is not authorized or qualified to conduct business in the State of Texas. Said Defendant, at all material times to this lawsuit, has engaged in business in the State of Texas by (1) entering into a contract with a Texas corporation/resident, by mail or otherwise, in which either party was to perform the contract in whole or in part in this state and/or (2) committing

a tort in whole or in part in this state, as more particularly described below. This lawsuit arises out of Defendant's purposeful acts and recruitment of business in Texas, wherein said transaction bears a reasonable and appropriate relation to the State of Texas. Accordingly, pursuant to Texas Rule of Civil Procedure 106, Defendant may be served with process by mailing citation to Defendant's Registered Agent, Statutory Agent Corporation, c/o Librarian, 52 E. Gay Street, Columbus, Ohio 43215 via registered or certified mail, return receipt requested, a true copy of the citation with a copy of the petition attached thereto.

Defendant CBCINNOVIS, INC. is a Pennsylvania corporation, qualified and licensed to do business in the State of Texas, and was conducting business in Tarrant County, Texas at all material times herein. Accordingly, pursuant to Texas Rule of Civil Procedure 106, Defendant may be served with process by mailing citation to its Registered Agent, Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company, 701 Brazos St., Suite 1050, Austin, Texas 78701 via registered or certified mail, return receipt requested, a true copy of the citation with a copy of the petition attached thereto.

Defendant MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT is an individual residing in Tarrant County at all material times herein. Accordingly, pursuant to Texas Rule of Civil Procedure 106, Defendant may be served with process by mailing citation to his attorney of record, Keena Smotherman Greyling, ADKERSON, HAUDER, & BEZNEY, P.C., 1400 Bryan Tower, 2001 Bryan Street, Dallas, Texas 75201 via registered or certified mail, return receipt requested, a true copy of the citation with a copy of the petition attached thereto.

IV.

JURISDICTION AND VENUE

This Court has jurisdiction and venue over the parties to this action since the acts and/or omissions complained of herein occurred in Colleyville, Tarrant County, Texas. Additionally, the matter in controversy exceeds the sum or value of the jurisdictional limits of this Court, exclusive of costs and interest. Further, all conditions precedent, if any, to the filing of this claim have occurred.

V.

STATEMENT OF FACTS

It is hard to explain how so many people and businesses, who are charged with the responsibility of protecting and safeguarding our elderly, could all fail to do their jobs in such a negligent and grossly negligent manner that a known sexual predator like Michael Henderson a/k/a Michael Anthony Gilbert could be allowed to molest and abuse a poor, defenseless 77 year old grandmother like Colleen Stagner, but that is what happened in this case. Not only were Defendants being paid to care for and protect innocent, foreseeable victims like Colleen from being sexually assaulted, they actually interviewed, hired, and placed a registered sex offender in a position to enable him carry out these outrageous acts of physical and sexual abuse.

In this day and age of constant news reports, media scrutiny, and public awareness of registered sex offenders in our communities, how in the world could a known, registered sex offender go through an interview process and background check with one set of Defendants and then pass a criminal background check by another Defendant, then be allowed to work as an unsupervised

sitter from midnight to 6:00 a.m. in an assisted living facility full of potential victims? As hard as it is to believe, here is how Defendants not only failed to protect Colleen from a registered sex offender, but they unleashed him on her and she will be forever mentally scarred from the abusive molestation.

In October 2005, Defendant Michael Henderson a/k/a Michael Anthony Gilbert ("Defendant Gilbert") had just completed his parole/probation stemming from a 1987 conviction in Tarrant County for aggravated sexual assault of a female child, wherein he was sentenced to 11 ½ years in prison. Defendant Gilbert was a registered sex offender, as required by law, and his information was readily available on the Texas Department of Public Safety's sex offender registry, which is easily accessible to the public at no charge. Defendant Gilbert was living in west Fort Worth at 4055 Hildring Drive West, near Overton Park, with another registered sex offender and he was looking for another job.

Defendant Gilbert went to Defendant We Care Family Services, Inc. d/b/a Comfort Keepers Fort Worth & HEB ("Defendant Comfort Keepers") and filled out an application of employment, along with various other employment history/reference forms and criminal background disclosures/authorizations, on October 12, 2005. Defendant Comfort Keepers is a locally owned franchise, which is in the business of providing private non-health care providers to sit with elderly clients, who require one-on-one supervision. On this day, Defendant Kris Ryan, who was acting as Defendant Comfort Keepers' Care Coordinator, interviewed Defendant Gilbert and went over his application and forms with him. In particular, Defendant had answered "Yes" to the employment application question "Have you ever been convicted of/or pleaded guilty to a crime (other than minor traffic violations) in the past seven years," but in the blank provided immediately thereafter for him

to explain the offense (give date, location, charge, etc.) he simply put "will discuss in interview." (see Exhibit "A"). However, according to Defendant Gilbert, when he tried to explain about his criminal history of aggravated sexual assault of a child, Defendant Ryan cut him off and told him not to worry about it since it had happened so long ago.

Similarly, on the Criminal Background Disclosure form (see Exhibit "B") Defendant Gilbert filled out that same day, he was required to initial all 13 of the criminal offenses listed therein, indicating, under penalty of perjury, that he had never been convicted of any such crimes since a conviction on any of the offenses in question would have rendered him ineligible for employment, as a matter of law. Conversely, if he had been convicted of any of the listed offenses, then he was not supposed to initial said item/crime. Item #4 asked whether he had even been "Convicted of Sexual Assault" and Item #5 asked whether he had ever been "Convicted of aggravated assault." Due to the fact Defendant Gilbert had been convicted of aggravated sexual assault of a child, he decided to leave Item Nos. 4 and 5 blank, but he initialed the other 11 offenses, signed and dated the form, and turned it in with his other paperwork. Unbelievably, when Defendant Ryan went over this document with him, she never asked him why he left those 2 items blank and, instead, instructed him to go ahead and initial them or they could not hire him.

Subsequently, pursuant to Defendant CK Franchising, Inc.'s policies and procedures, Defendant Comfort Keepers employed Defendant CBCInnovis, Inc. to run a background check on Defendant Gilbert. Defendant CBCInnovis, Inc. is a part of a multi-million dollar privately-held family of companies, which holds itself out as an industry expert with over 50 years of experience in comprehensive employment screening and providing accurate, thorough employee background checks. In fact, Defendant CBCInnovis, Inc. claims that one of the featured benefits of retaining

them as a “partner in ensuring you select qualified candidates” is reducing “the risk of negligent hiring practices.” Defendant CK Franchising, Inc. also required Defendant Comfort Keepers to use the services of CBCInnovis, Inc. as a part of their franchise agreement.

Inexplicably, the background check provided by Defendant CBCInnovis, Inc. stated, in pertinent part, that “NO CRIMINAL RECORDS FOUND IN THE AMRENT DATABASE.” (see Exhibit “C”) Obviously, Defendant CBCInnovis, Inc. failed to honor written representations that its criminal database search would include Texas felony and misdemeanor offenses, as well as the Texas Sex Offender Registry, which is actually free and open to the public, so Defendant Comfort Keepers could have easily run this simple search instead of choosing to delegate this task to Defendant CBCInnovis, Inc. All of Defendant Gilbert’s criminal history was well-documented and available in October 2005 through any number of standard internet databases at little or no charge, which did not require any type of specialized knowledge, training, and/or licensure, so it is impossible to explain how Defendant CBCInnovis, Inc. could have failed to discover Defendant Gilbert’s sordid past if it was even remotely doing what it had been retained, paid, and promised to do. In fact, if any one of the Defendants had done their job properly, Defendant Gilbert probably would have been exposed and Colleen spared the mental and physical trauma of being sexually assaulted and molested by this sexual predator.

Unfortunately, Defendants failed to do their jobs and Defendant Gilbert was hired and immediately put to work by Defendant Comfort Keepers on October 23, 2005, as a private sitter with an elderly resident at a small, private assisted living facility in Colleyville. This resident was a known wanderer, especially at night, and since the facility had limited staff available during the night shift, it had recommended to the family that they retain a private sitter to watch over him from

midnight until 6:00 a.m. Colleen was the only female of the 5 residents living on this private hallway, which had a door connecting it to the rest of the facility that remained closed during the night in order to not disturb the sleeping residents. All the residents in question also had their own private rooms. As such, Defendant Gilbert was working the night shift, it had the least amount of employees on it, he was placed on a hall that was secluded from the rest of the facility, and he was supposed to be in the room across the hall from where Colleen was sleeping. All in all, a perfect scenario for a sexual predator like Defendant Gilbert.

According to police records and interviews with facility employees, Colleen was observed acting strange and upset on Monday afternoon, November 7, 2005. After comforting Colleen and reassuring her she was safe, she told the staff she had been raped, but she was unable to tell them when it happened, except it was during the night. She also was able to tell them there had been vaginal penetration, but she became too upset to discuss it any further.

Several men were brought in (other residents and employees) and pictures were shown to her for her to identify, but she calmly denied that any of those men had raped her. The staff was beginning to think that maybe this was a false outcry when someone remembered that Defendant Gilbert sat with a resident across the hall from Colleen during the night and there was actually an 8x10 photo of Defendant Gilbert in the resident's room in order to familiarize him with what his sitter looked like. The framed photo was retrieved and once the facility Administrator placed it in front of Colleen, she began shaking uncontrollably, saying that was the man who had raped her, and literally tried to get up and flee the room.

There is no way Colleen would have ever had an occasion to see Defendant Gilbert since she always went to bed early and would have been asleep during the time periods he was in the facility.

The Colleyville Police Department were notified, as well as Colleen's son, and she was taken to John Peter Smith Hospital for her rape examination. Ironically, Colleen had just recently moved to the assisted living facility in February 2005 because her family felt it was safer for her there than living independently, as she had been all of her life. To this day, Colleen cannot talk about the incident without shaking so much that it is inhumane to continue the interview. Defendants have denied the event occurred and blame Colleen for making a false outcry.

VI.

**NEGLIGENCE OF DEFENDANTS WE CARE FAMILY SERVICES, INC. D/B/A
COMFORT KEEPERS FORT WORTH & HEB AND KRIS RYAN**

As the basis of this lawsuit, Plaintiff specifically states that nothing COLLEEN STAGNER did, or failed to do, on the occasion(s) in question caused or in any way contributed to her injuries, damages, and suffering.

On the occasion(s) in question, Defendants committed one or more of the following acts and omissions of negligence, either directly or by and through their employees, agents, officers, supervisors, and representatives, each of which amounted to doing that which a home sitting company or individual of reasonable care and prudence would not have done or failing to do that which a home sitting company or individual of reasonable care and prudence would have done under the same or similar circumstances, proximately causing the occurrence, injuries, damages, and suffering in question:

1. In failing to provide personnel that were properly staffed, qualified, and trained to conduct a thorough and complete interview prior to and to prevent hiring known/registered sex offenders such as MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT;
2. In failing to follow, comply, enforce, and/or adhere to WE CARE FAMILY SERVICES, INC. D/B/A COMFORT KEEPERS FORT WORTH & HEB's policies and procedures, as

well as those promulgated by CK FRANCHISING, INC. for interviewing and/or investigating potential employees, such as MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT;

3. In failing to perform a proper background check and criminal history assessment on potential employees, such as MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT;
4. In failing to run potential employees, such as MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT, through the publically available, free Texas Sex Offender Registry and database maintained by the Texas Department of Public Safety;
5. In failing to follow-up on the disclosure of past criminal history of potential employees, such as MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT, when advised and/or reasonably put on notice of same during the interview process;
6. In hiring a known, registered sex offender, such as MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT, and placing him in a vulnerable resident population where he could have access to women, like COLLEEN STAGNER; and
7. In failing to properly check and follow-up on personal references and work histories of potential employees, such as MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT.

Each of the above-cited acts and/or omissions of negligence, whether taken singularly or in any combination, were a proximate cause of COLLEEN STAGNER'S injuries, damages, and suffering.

VII.

NEGLIGENCE OF MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT

As the basis of this lawsuit, Plaintiff specifically states that nothing COLLEEN STAGNER did, or failed to do, on the occasion(s) in question caused or in any way contributed to her injuries, damages, and suffering.

On the occasion(s) in question, Defendant committed one or more of the following acts and omissions of negligence, each of which amounted to doing that which an individual of reasonable care and prudence would not have done or failing to do that which an individual of reasonable care

and prudence would have done under the same or similar circumstances, proximately causing the occurrence, injuries, damages, and suffering in question:

1. In sexually assaulting and molesting COLLEEN STAGNER;
2. In failing to accurately report to his parole officer with the information regarding his current employer, so his registry could be updated;
3. In exposing COLLEEN STAGNER to potential sexually transmitted diseases, as well as HIV and other life-threatening conditions;
4. In providing false information on his criminal background disclosure to Defendant COMFORT KEEPERS regarding aggravated sexual assault of a minor, as well as other criminal convictions; and
5. In applying for and accepting employment with Defendant COMFORT KEEPERS, which would place him in daily contact with individuals, such as COLLEEN STAGNER, who are unable/incapable of protecting themselves from sexual predators, such as himself.

Each of the above-cited acts and/or omissions of negligence, whether taken singularly or in any combination, were a proximate cause of COLLEEN STAGNER'S injuries, damages, and suffering.

VIII.

NEGLIGENCE OF DEFENDANT CK FRANCHISING, INC.

As the basis of this lawsuit, Plaintiff specifically states that nothing COLLEEN STAGNER did, or failed to do, on the occasion(s) in question caused or in any way contributed to her injuries, damages, and suffering.

On the occasion(s) in question, Defendant committed one or more of the following acts and omissions of negligence, each of which amounted to doing that which a franchiser of reasonable care and prudence would not have done or failing to do that which a franchiser of reasonable care and prudence would have done under the same or similar circumstances, proximately causing the occurrence, injuries, damages, and suffering in question:

1. In failing to provide proper policies and procedures for safe hiring practices, such as performing thorough background checks, checking personal references, and obtaining accurate/current criminal history, especially as it relates to screening out foreseeably dangerous applicants, such as known registered sex offenders like MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT;
2. In failing to provide franchises, such as Defendant COMFORT KEEPERS, with an ordinary and prudent employment screening company capable of obtaining accurate and current criminal history in the State of Texas, as well as checking the publically available, free Texas Sex Offender Registry maintained by the Texas Department of Public Safety, in order to prevent foreseeably dangerous applicants, such as known registered sex offenders like MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT from being hired and put into positions where they can prey upon unsuspecting elderly women, like COLLEEN STAGNER, who are unable to protect themselves;
3. In failing to educate, train, and/or instruct franchises, like Defendant COMFORT KEEPERS, as to the foreseeably dangerous applicants, like a known registered sex offender, that may try to get hired, importance of accurately and thoroughly checking applicants' job history and personal references, listing out what types of criminal histories and other facts would make an applicant ineligible for hiring, and local resources available for them to use at little or no cost to franchises in order to screen out sexual predators, as well as other dangerous applicants not eligible for hire; and
4. In negligently referring franchises, like Defendant COMFORT KEEPERS, to use an employment screening company, like Defendant CBCINNOVIS, INC., that fails to access Texas criminal databases that are current and complete, as well as failing to run potential applicants, like MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT, through the Texas Sex Offender Registry database that is FREE to the general public.

Each of the above-cited acts and/or omissions of negligence, whether taken singularly or in any combination, were a proximate cause of COLLEEN STAGNER's injuries, damages, and suffering.

IX.

NEGLIGENCE OF DEFENDANT CBCINNOVIS, INC.

As the basis of this lawsuit, Plaintiff specifically states that nothing COLLEEN STAGNER did, or failed to do, on the occasion(s) in question caused or in any way contributed to her injuries, damages, and suffering.

On the occasion(s) in question, Defendant committed one or more of the following acts and omissions of negligence, either directly or by and through their employees, agents, officers, supervisors, and representatives, each of which amounted to doing that which an employment screening company of reasonable care and prudence would not have done or failing to do that which an employment screening company of reasonable care and prudence would have done under the same or similar circumstances, proximately causing the occurrence, injuries, damages, and suffering in question:

1. In failing to provide personnel that were properly staffed, qualified, and trained to conduct a thorough and accurate background check/criminal screening services on potential employees as represented;
2. In failing to follow, comply, enforce, and/or adhere to CBCINNOVIS, INC.'s policies and procedures for performing criminal checks as represented;
3. In failing to run potential employees through the Texas Sex Offender Registry database, as represented, which would have identified MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT as a registered sex offender, thereby preventing him from probably being hired by Defendant COMFORT KEEPERS;
4. In failing to run MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT through a proper criminal database that contained accurate and current Texas criminal history, including felonies and misdemeanors for Dallas and Tarrant County, as represented;
5. In misrepresenting the quality and competency of the services offered by Defendant CBCINNOVIS, INC., as it relates to performing employment screening services; and
6. In running MICHAEL HENDERSON A/K/A MICHAEL ANTHONY GILBERT through an improper database that was not capable of providing the criminal history information that Defendant COMFORT KEEPERS had paid for and was seeking, thereby giving the false perception that said applicant had no known criminal history and he was eligible for hiring.

Each of the above-cited acts and/or omissions of negligence, whether taken singularly or in any combination, were a proximate cause of COLLEEN STAGNER's injuries, damages, and suffering.

X.

ACTUAL DAMAGES OF COLLEEN STAGNER

Plaintiff will show that as a direct and proximate result of the negligence of Defendants as set forth herein above, COLLEEN STAGNER sustained actual damages in the form of past and future physical pain and suffering, past and future conscious pain and mental anguish, severe physical and mental incapacity, impairment, and disability, both in the past and in the future, reasonable and necessary expenses for medical care, treatment, and equipment from the date of the occurrence in question up to the time of trial, as well as into the future, past and future fear of contracting AIDS/HIV, as well as other life-threatening medical conditions, and a past and future loss of the enjoyment/quality of life, all of which Plaintiff requests that COLLEEN STAGNER should be compensated for in a fair and reasonable amount that greatly exceeds the minimum jurisdictional limits of the Court.

XI.

GROSS NEGLIGENCE AND PUNITIVE DAMAGES

Plaintiff will further show that as a proximate result of the grossly negligent acts and/or omissions on the part of Defendants, as set forth herein above, Plaintiff is entitled to exemplary or punitive damages in a sum, which greatly exceeds the minimum jurisdictional limits of the Court.

XII.

DISCOVERY

Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l).

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants named herein be cited to appear and answer and that upon final trial hereof, Plaintiff have judgment against these Defendants in the aforesaid mentioned amounts and that Plaintiff recover such amounts as he may be entitled to receive under the law and facts, together with both pre-judgment and post-judgment interest, costs of Court, and for such other and further relief, at law or in equity, to which Plaintiff may show himself to be justly entitled.

Respectfully submitted,

BOEHME & MOORE, L.L.P.
1824 Eighth Avenue
Fort Worth, Texas 76110
Telephone: 817/207-9300
Telecopier: 817/207-9400

By: 

Brandon L. Boehme
State Bar No. 02550450

ATTORNEY FOR PLAINTIFF

Employment Application

Equal Opportunity Employer

All applicants are considered for all positions without regard to race, color, religion, sex, national origin, marital status, or the presence of a non-related medical condition or disability. All questions must be read and application signed. Any application that provides unrequested information will be automatically discarded.

Position(s) Applied for: CARE GIVER Date of Application: 10/21/05

- Referral Source: Advertisement Employee Relative Walk-In
- Government Employment Agency Private Employment Agency
- Internet Other: ENID HARRIS

Name: GILBERT Michael A. Social Security Number: _____

Current Address: 4055 Hildring Dr W. City: FT. WORTH State: TX Zip: 76104

Working at this address? 3 yrs

Home Address: 5017 Littlepage City: FT. WORTH State: TX Zip: 76107

Working at this address? 7 yrs

Phone Number: (817) 207-0193 if necessary, best time to call you at home: AFTERNOON

When are you available for employment? 10-14-05 Date: 10/14/05

Type of employment desired: (check all that apply) Full time Part time Temporary Seasonal

Are you able to work overtime if required? Yes No

Are you able to meet the attendance requirements of the position? Yes No

Have you previously applied for a position at Comfort Keepers? Yes No When?

Have you previously worked at Comfort Keepers? Yes No When?

Are you eligible to work in the United States? Yes No

What type of eligibility will be required before you can be employed? _____

Are you presently on layoff and/or subject to recall from any other company? Yes No

If yes, please explain: _____

Have you ever been convicted of or pleaded guilty to a crime (other than minor traffic violations) in the past _____ years? Yes No

If yes, please explain: (give date, location, charge, etc.) Will discuss in interview
Michael stated this was a parole for minor
at happened 5 yrs ago - not on criminal record
(Conviction will not necessarily disqualify you for employment)

Does the job require a valid drivers license? Yes No

DL# 15476613 Type: C State of Issue: TX

Have you had any moving violations in the past 3 Years? NO

If yes, please describe _____

Do you have any relatives currently employed by Comfort Keepers? Yes No

If yes, please list: _____

If you are under 18, can you furnish a work permit? Yes No

Who should be contacted in case of an emergency: Relationship: FRIEND

Name: HARRIS ENID Telephone #: (817) 571-6839

Address: 308 VINE ST. APT. 520 City: EULESS State: TX Zip: 76040



Education Background:

School	Name/City	How Many Years Attended	Completed	Course or Major
High School	Poly Tech., Ft. Worth	2 3/4	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Science & ROTC
Associate	Trinity Valley Comm., Allen	1 SEM	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DATA PROCESSING
College or Trade	NATIONAL Education Ctr., FtW	1 yr	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	MEDICAL ASST.
	Whitman Computer App., Brownsville	1 yr	YES	B.A.S SYSTEM

Employment History:

List last three (3) employers, assignments or volunteer activities, starting with the most recent, including military experience. Explain in employment in comments section below.

Employer Name	Telephone	Dates Employed Month & Year	Summarize the nature of the work performed and job responsibilities
INTERNATIONAL	(817) 589-9159	9-85 Present	Inventory stores
709 1/2 Baker Blvd N. Richardson TX			
Inventory Specialist		Hourly Rate/Salary Starting	SCAN Product
Supervisor and Title: K PERRY AREA MANAGER		\$ 8.50 Per HR	AND TEN-KEY
Reason for leaving: PRESENT		Hourly Rate/Salary Final	
Contact for reference/verification? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Later		\$ 8.50 Per HR	

Employer Name	Telephone	Dates Employed Month & Year	Summarize the nature of the work performed and job responsibilities
ARTHUR Beedy	(817) 929-1185	9-05 Present	Help w/ Dressing
17 Littlepage 4055 Wildering			
Receiver		Hourly Rate/Salary Starting	Bathing Getting in and
Supervisor and Title: A. Beedy		\$ 11.00 Per HR	out the showers, Driving
Reason for leaving: PRESENT		Hourly Rate/Salary Final	in & out of Bed
Contact for reference/verification? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Later		\$ 11.00 Per HR	

Employer Name	Telephone	Dates Employed Month & Year	Summarize the nature of the work performed and job responsibilities
BEAUMONT BAKERY	N/A	8-04 7-05	Bake cakes, pies
P.O. Box 76020 Beaumont			
Baker		Hourly Rate/Salary Starting	Brownies, Bagels
Supervisor and Title: MR. KOINTNOTE		\$ 52 Per MO	CLEAN.
Reason for leaving: TEMP		Hourly Rate/Salary Final	
Contact for reference/verification? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Later		\$ 52 Per MO	

Skills and other skills and qualifications (including explanation of any gaps in employment)
 Medical ASST. Give medication, B.P. & TEMP.

References:

and telephone number of three business references who are not related to you. Do not list previous supervisors. If not possible, list three school or personal references who are not related to you, whom have knowledge of your work ethic, experience and

	Telephone	Years known	Relationship
Ed HARRIS	(817) 571-6839	3 YRS	Friend
IN Alexander	(817) 924-9432	10 YRS	Friend
MA JACKSON	(817) 534-6780	3 YRS	Friend

that the facts contained in this application and/or interview(s) are true and complete. Any misrepresentation or falsification of information or significant omissions will be cause for rejection of my application or for subsequent discipline up to and including my dismissal from employment if discovered at any time.

I understand that, if employed, my employment is not guaranteed for any term, and my employment may be terminated by the employer or myself at any time and for any reason with or without prior notice. No representative of Comfort Keepers other than the owner(s) is authorized to make any assurance or promise regarding continued employment and any such assurance must be in writing signed by the owner(s).

If employed, I agree to comply with and be bound by the safety and health rules and regulations, and the conduct of Comfort Keepers.

This application will remain on active file for 60 days. If I am hired within this period, this form will be added to my individual personnel file. If I am not hired or have not heard from this employer within 60 days, this application is no longer active and I will need to reapply for employment if I wish to be considered for a job with Comfort Keepers.

I authorize the employer and /or its agents, including consumer reporting bureaus, the right to investigate any and all statements made in this application for the purpose of employment and retention of employment. This investigation may include, but not limited to, credit reports, criminal conviction records, motor vehicle driving records and previous employment history. Further, I hereby release from liability and hold harmless this employer, its' representatives, all persons and organizations/companies for furnishing such information.

If hired, I agree to a drug testing prior and during employment or for post accident occurrences.

The employer, Comfort Keepers, is an Equal Opportunity Employer. The employer does not discriminate in employment and no questions on this application is used for the purpose of limiting or excusing any applicant's consideration for employment on a basis prohibited by local, state, or federal law.

NOTE: This is to inform you that as part of processing your employment application, we may obtain a consumer report or an investigative report which includes information as to your character, general reputation, personal characteristics and mode of living. If an investigative report is requested, you have the right to make a written request within a reasonable period of time for a complete and accurate disclosure of additional information concerning the nature and scope of the investigation. By signing below, you acknowledge receipt of a copy of this notice and a copy of the "Summary of Your Right to the Fair Credit Reporting Act."

Signature of Applicant

Michael Gilbert

Date 10 11 2005



CRIMINAL BACKGROUND DISCLOSURE

(Please initial each item after you have read it)

I, the undersigned, swear under penalty of perjury, that I have never been:

1. MSJ Convicted of criminal homicide
2. MSJ Convicted of kidnapping and false imprisonment
3. MSJ Convicted of indecency with a child
4. MSJ Convicted of sexual assault
5. MSJ Convicted of aggravated assault
6. MSJ Convicted of injury to a child, elderly or disabled individual
7. MSJ Convicted of abandoning or endangering a child
8. MSJ Convicted of aiding suicide
9. MSJ Convicted of agreement to abduct from custody
10. MSJ Convicted of sale or purchase of a child
11. MSJ Convicted of arson
12. MSJ Convicted of robbery
13. MSJ Convicted of aggravated robbery



I also understand that prior to an offer of employment; Comfort Keepers will conduct a criminal history check with the State of Texas and search the nurse aide registry and employee misconduct registry to determine eligibility for employment.

Signature: Michael Gilbert Date 10-12-05

Witnessed By: Kari Ryan

CBCInnovis
5555 AIRPORT HWY
TOLEDO OH 43615
PHONE: 800-772-0130
FAX: 800-772-0440

ID:
REPOSITORIES: TU-S
SSN:

** SOCIAL SEARCH REPORT **

WE CARE FAMILY SERV
COMFORT KEEPERS 108
EULESS TX 76040
REQUESTOR: esw69284

LOAN #:
DATE RECEIVED: 10/19/05
DATE PRINTED: 10/19/05

TRANS UNION INFORMATION

01 MICHAEL A GILBERT () 989-1007 DOB 05/01/68

SSN1
5017 LITTLEPAGE
FORT WORTH, TX 76107
3601 S UNIVERSITY DR A
FORT WORTH, TX 76109
6020 MALVEY 46
FORT WORTH, TX 76116

RPTD 08/00
RPTD 06/00

HAWK ALERT
HAWK AVAILABLE AND CLEAR

END OF REPORT



CBCInnovis
5555 AIRPORT HWY
SUITE 205
TOLEDOOH 43615

PHONE: 800-772-0130
FAX: 800-772-0440

Employment Report

PREPARED FOR:
WE CARE FAMILY SERV
COMFORT KEEPERS 108
1105 ARWINE CT
EULESSTX 76040

ATTN: ESW69284

LENDER CASE #:

COMPUTER ID #:

DATE RCVD: 10/19/05
DATE COMP: 10/19/05

Applicant

INPUT INFORMATION

NAME: MICHAEL A GILBERT
SSN:
4055 HILDRING W DR.
FORT WORTH TX 76109

PRESENT EMPLOYMENT:

File Identifications

MICHAEL A GILBERT
SSN:

4055 HILDRING W DR
FORT WORTH, TX 76109

AMR01

Credit Summary

	PAYMENTS	BALANCES	LIMITS	TRADES	30	60	90
REVOLVING	0	0	0	0	0	0	0
INSTALLMENT	0	0	0	0	0	0	0
REAL ESTATE	0	0	0	0	0	0	0
OPEN/OTHER	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0

#INQUIRIES	0	#PUBLIC RECORDS	0	#BANKRUPTCIES	0
WORST TRADE	0	OLDEST DATE	0	#SATISFACTORIES	0
				PAST DUE	0

Scoring

NO SCORING RECORDS FOUND

Criminal Records

This search was performed in the AmRent database and is limited to the information contained in the AmRent database. The criminal records in the AmRent database consist of public records derived from government sources and are limited to the information provided by those sources. AmRent does not guaranty the accuracy of such information.

NO CRIMINAL RECORDS FOUND IN THE AMRENT DATABASE.

A "no record" means that Amrent has been unable to locate a criminal record in its database. Criminal records may exist on this subject, but may not be contained in the database or may not be able to be accessed based upon the information that the user provides.

Possible Matches

MICHAEL HENDERSON
4055 HILDRING W DR FORT WORTH TX 76109

DOB: 05/07/1986

MICHELLE A GOSS
4000 W HILDRING DR FORT WORTH TX 76103

DOB: 08/11/1965

MICHELLE A GOSS

DOB: 08/11/1965

4000 W HILDRING DR FORT WORTH TX 76109

Public Record Information

NO PUBLIC RECORDS FOUND

Inquiries

NO INQUIRY RECORDS FOUND

Consumer Referral Information

AMRENT
PO BOX 605
COLUMBUS, OH 43216-0605
888-898-6196

AMRAMR

Disclosure

DISCLAIMER: THE INFORMATION FURNISHED BY AMRENT IN THIS REPORT IS BASED ON THE LIMITED INFORMATION YOU PROVIDED. FURTHER INVESTIGATION IS NECESSARY TO DETERMINE WHETHER OR NOT THIS INFORMATION APPLIES TO YOUR APPLICANT. AT A MINIMUM, IT IS SUGGESTED THAT YOU COMPARE ALL IDENTIFYING INFORMATION IN THIS REPORT TO ALL IDENTIFYING INFORMATION PROVIDED BY THE APPLICANT BEFORE LINKING THIS INFORMATION TO YOUR APPLICANT.

End Of Credit Report

BOEHME & MOORE, L.L.P.

Attorneys at Law

1824 EIGHTH AVENUE

FORT WORTH, TEXAS 76110

Brandon L. Boehme
Randall D. Moore *†

Telephone
(817) 207-9300

Facsimile
(817) 207-9400

www.boehmemoore.com

* Board Certified - Personal Injury Trial Law
Texas Board of Legal Specialization
† Board Certified - Specialist in Civil Trial Advocacy
National Board of Trial Advocacy

342 222883 07

March 5, 2007

Mr. Thomas A. Wilder
Tarrant County District Clerk
Tarrant County Justice Center
401 W. Belknap, 3rd Floor
Fort Worth, Texas 76196-0402

VIA HAND DELIVERY

Re: *Murray Stagner, as Next Friend and Legal Representative of Colleen Stagner v. We Care Family Services, Inc. d/b/a Comfort Keepers Fort Worth & HEB, Kris Ryan, CK Franchising, Inc., CBCInnovis, Inc., and Michael Henderson a/k/a Michael Anthony Gilbert*

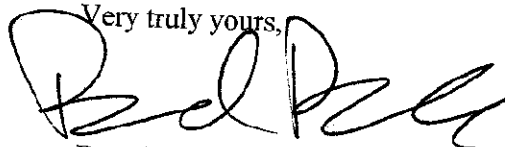
Dear Mr. Wilder:

Enclosed please find an original and six copies of Plaintiff's Original Petition concerning the above-referenced cause of action.

After filing this lawsuit with the Court, please return a file-marked copy to this office via the courier who delivered same. Also enclosed is our firm check in the amount of \$284.00 for payment of filing, citations, and jury fee. Our process server, Jay Davis of Lone Star Civil Process Service, will pick up the citations once they have been issued, so we may have service perfected on these Defendants.

If you have any questions or comments concerning this or any other matter, please do not hesitate to contact me at the number listed above.

Very truly yours,



Brandon L. Boehme

BLB:cat
Enclosures

FILED
TARRANT COUNTY
2007 MAR -5 PM 3:26
THOMAS A. WILDER
DISTRICT CLERK