

No. \_\_\_\_\_

**R.E.K., a minor;**  
*Plaintiff,*

**v.**

**Jeffrey Koen and  
Denise Watts Koen,**  
*Defendants.*

In the \_\_\_\_\_ District Court  
Harris County, Texas

**Plaintiff's Original Petition and  
Request for Ex Parte Temporary  
Restraining Order, Injunctive Relief  
and Request for Declaratory Relief**

To the Honorable Judge of Said Court:

Now Comes Plaintiff, R.E.K., a minor, complaining of Defendants Jeffrey Koen and Denise Watts Koen, her natural mother and father (collectively "Defendants"), who are violating her federal constitutional rights to carry her child to term by coercing her to have an abortion with both verbal and physical threats and harassment.

Discovery Control Plan Level

1. Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.

Parties and Service

2. Plaintiff, R.E.K., is a resident of Harris County, has a permanent address at 21195 Webb Street, Hockley, Texas 77447. For the past seven months she has domiciled with the paternal grandparents of her unborn child.
3. Defendant Jeffrey Koen resides at 13130 Fry Rd. Apt. #1216, Cypress, Texas 77433, and may be served with process at that address.
4. Defendant Denise Watts Koen resides at 21195 Webb Street, Hockley, Texas 77447, and may be served with process at that address.

Jurisdiction and Venue

5. The subject matter in controversy is within the jurisdictional limits of this Court. This Court has personal jurisdiction because the facts of the case that give rise to this suit have taken place in this county.

Facts

6. R.E.K., Plaintiff, is a 16-year-old girl, who is nine (9) weeks pregnant. She does not want an abortion but her mother and father are attempting to coerce her to have an abortion. She has the right under *Roe v. Wade*, 410 U.S. 113 (1973), to make that decision herself. Under *Bellotti v. Baird*, 443 U.S. 622 (1979), a teenager has the right to make her own reproductive health decisions concerning pregnancy.
7. In the event that the Court finds R.E.K. does not have the legal capacity to maintain this action due to her minority, the baby's paternal grandmother will appear as next friend for R.E.K., alternatively.
8. For some time R.E.K. has resided at the home of her baby's paternal grandparents because her mother routinely does not supervise her, frequently spending her evenings at a local bar, and R.E.K. avoided her father's presence because of his tendency towards physical violence, which she has observed on multiple occasions.
9. On January 18, 2013, Plaintiff informed her baby's paternal grandmother that she might be pregnant. Both Plaintiff and the baby's father, E.L.M., informed her they intended to keep the child and parent the child.
10. Upon Defendant Denise Koen finding out about the pregnancy, she responded that she would "take care of it," that it wasn't R.E.K.'s choice, that the two minor parents had no idea what it would do to their lives, and that she would make the decision for them.
11. Defendant Denise Koen further stated that she "hated to make this decision for her/them but it's the right thing to do . . . ."
12. On 1/19/13, Denise Koen message to the baby's paternal grandmother that R.E.K. would be required to get two jobs, could not finish school, and then begin paying rent for housing to either the paternal grandmother or to Denise.
13. She further stated that both parents of the baby didn't have the luxury of time if they wanted to keep the child and that termination arrangements needed to be made immediately.
14. The baby's paternal grandmother suggested that Denise meet with her and her husband, the paternal grandfather, to discuss the matter. At that meeting, on 1/20/13, Denise

- informed them that R.E.K. having the baby was the biggest mistake of her life, that Denise had already had four abortions, and it was the right thing to do in this situation.
15. Denise invited the paternal grandparents to a bar for further discussion, where she suggested that she might slip R.E.K. an abortion pill through deception.
  16. On 1/21/13, the pregnancy was confirmed by a doctor, who estimated her to be six (6) weeks pregnant and an ultrasound was performed.
  17. On 1/22/13, Defendant Jeffrey Koen was informed. He became extremely angry, was insistent that R.E.K. was not having the baby, and that the decision was not up to her. He stated he was going to take her to have an abortion and that the decision was his, end of story. He also made a threat, saying he was not going to pay for health insurance for his daughter to have health insurance to have a baby and was going to look into canceling the insurance. Jeffrey Koen is a joint managing conservator of R.E.K.
  18. Defendant Jeffrey Koen then met with R.E.K. in person at the house on the paternal grandparents and again told R.E.K. that she would have no say in the decision.
  19. On 1/27/13, R.E.K. went home upon demand of Defendant Denise Koen. Initially, R.E.K. was reluctant to go, having been informed of the abortion pill threat. Defendant Denise Koen then took away R.E.K.'s phone in retaliation for her not wanting to have an abortion. In further contact with her baby's father's family that night, R.E.K. informed them that her parents' goal was to make her miserable so that she would give in to the coercion and have the abortion.
  20. On 1/28/13, R.E.K. did not attend school. She had been kept home in an attempt to get her to have an abortion. Denise Koen demanded she "take the easy way out." She was not physical ill, but was kept from school as a method of psychological coercion to have an abortion.
  21. On 1/29/13, R.E.K. was back in school, explaining to the baby's father that her parents had done the multiple actions (removal of phone, removal from school the previous day, forcing her to get two jobs, taking away her car) and other demands because she was refusing to give in to their coercion to have an abortion.

22. On 2/1/13, Defendant Jeffrey Koen came to the house of the paternal grandparents and demanded that Plaintiff stop "playing house" and have the abortion. He was screaming and yelling at her, making verbal threats to enter the paternal grandparents' house and "drag her little ass out of there" if he had to. He said he would put a stop to this today.
23. Defendant Denise Koen was contacted who said she "was out of it" and that R.E.K. would have to deal with Defendant Jeffrey Koen. She later said that evening that now because the two minors had decided to parent the baby that "no one should help them with anything and life should be as hard as possible on them now." Both Denise and Jeffrey Koen are Joint Managing Conservators with Denise having the exclusive right to designate the primary residence.
24. R.E.K. asked to remain at the house of the maternal grandparents residence that night, or have the baby's father go to the Webb Street residence, to which Denise replied that she could not be responsible for any violence by Defendant Jeffrey Koen against the baby's father.
25. On 2/3/13, R.E.K. was sent to Alabama to her grandmother's house, a person who also agreed with Defendants that an abortion was the right option, partly stemming from her actions in making Denise have abortions. Defendant Jeffrey Koen said his only option was for her to have an abortion, and Defendant Denise Koen told her she had three options: (1) continue to live in misery at the house, (2) have the abortion and tell everyone it was a miscarriage, or (3) she would "wash her hands" of R.E.K. and have R.E.K. leave. Effectively, both parents who are responsible for caring for her have made her choose between them taking care of her or having an abortion.
26. Since that date, on 2/8/13, Jeffrey Koen has texted R.E.K. to tell her she "needs an ass whoopin'," that he said that to "show [R.E.K.] [he had] the power . . . and [he] will exercise it." She responded "why do you want power, because I'm not doing what you want in life and that's for me to get an abortion?" to which he replied "That would be the smart responsible thing to do." Jeffrey Koen then went to file charges on the baby's father, who is sixteen (16) years old also, in apparent retaliation for R.E.K.'s choice not to have an abortion.

27. Later that day, Defendant Jeffrey Koen has driven and stopped menacingly in front of the house of the maternal grandparents, staring threateningly at the paternal grandparents.
28. R.E.K., the baby's father, and the paternal grandparents live in fear of physical danger from Defendant Jeffrey Koen.

### Claims

#### A. Request for Declaratory Relief

29. Plaintiff is requesting that this Court declare she has the right, under federal constitutional law, to make her own reproductive decisions, including the decision to carry her child to term and give birth.

#### B. Application for Temporary Restraining Order

30. Plaintiff is requesting that Defendants be prohibited from forcing Plaintiff to obtain an abortion or from coercing her through the actions of third parties to obtain an abortion.
31. It is probable Plaintiff will recover from defendant after trial on the merits because under both Texas and U.S. law, the Plaintiff has a right to make her own reproductive decisions.
32. If Plaintiff's application is not granted, harm is imminent because the Defendants have stated their intentions to force Plaintiff against her will to have an abortion.
33. The harm that will result if the temporary restraining order is not issued is irreparable because the life of the unborn child will be taken if an abortion is performed, as well as the potential physical and emotional injuries that will occur to the Plaintiff as the result of an abortion.
34. Plaintiff has no adequate remedy at law because of the time factor involved, and the intense pressure by her parents.
35. There is not enough time to serve notice on the defendant and to hold a hearing on the application.

#### C. Request for Permanent Injunction

36. Plaintiff asks the court to set her request for a permanent injunction for a full trial and, after the trial, issue a permanent injunction against Defendants prohibiting the verbal and physical threats as well as the psychological coercion.

### Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that:

37. Defendants be cited to appear and answer, and the court do the following:
- 37.1. Declare that Defendants may not deprive Plaintiff of her rights under the Texas and U.S. law to make reproduction decisions.
- 37.2. Declare that the Defendants are prohibited from forcing and /or coercing Plaintiff to have an abortion against her desires, or from forcing her through the actions of third parties to have an abortion against her desires.
- 37.3. Grant Plaintiff an immediate temporary restraining order prohibiting Defendants, either directly or indirectly, from forcing and /or coercing her to have an abortion against her will through either physical or verbal threats, harassment, or psychological coercion.
- 37.4. That Defendant Jeffrey Koen be enjoined from coming within 100 feet of R.E.K., the baby's father, the paternal grandparents, or the house of the maternal grandparents, for the duration of the pregnancy.
- 37.5. That all injunction provisions of this suit be enforceable by contempt of court, fines, jail time, or any combination thereof.
- 37.6. Award Plaintiff all other relief, in law or in equity, to which she may be entitled.

Respectfully submitted,

TEXAS CENTER FOR DEFENSE OF LIFE

THE LAW OFFICE OF MICHAEL CASARETTO

          /s/Stephen Casey          

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*Local Counsel for Plaintiff R.E.K.*

VERIFICATION

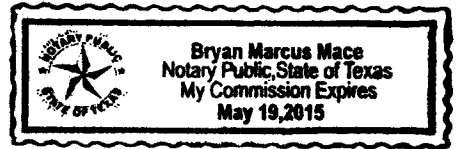
Before me, the undersigned notary, appeared R.E.K., the minor Plaintiff in this Petition, who affirmed to me that all of the facts in this petition are true and correct as if under oath, on February 10, 2013.

R.E.K.  
R.E.K., Plaintiff

[Signature]  
Notary Public, State of Texas



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CERTIFICATE OF SERVICE

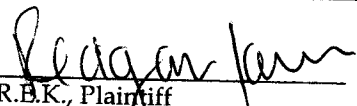
I hereby certify that a true and correct copy of Plaintiff's Original Petition and request for injunctive relief was served upon Defendants by the manner and method indicated below on this day, February 10, 2013.

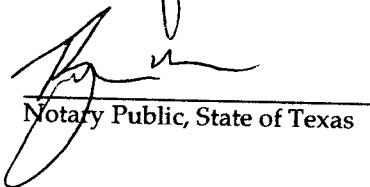
Via private process server

/s/Stephen Casey  
Stephen Casey; Counsel for Plaintiff

**VERIFICATION**

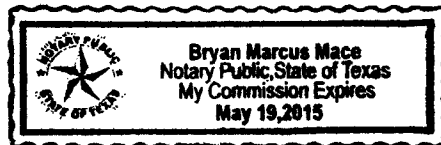
Before me, the undersigned notary, appeared R.E.K., the minor Plaintiff in this Petition, who affirmed to me that all of the facts in this petition are true and correct as if under oath, on \_\_\_\_\_, 2013.

  
R.E.K., Plaintiff

  
Notary Public, State of Texas



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiff's Original Petition and request for injunctive relief was served upon Defendants by the manner and method indicated below on this day, February 10, 2013.

Via private process server

/s/Stephen Casey  
Stephen Casey; Counsel for Plaintiff