

IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS

334th Judicial District

Rodney Samuel Sprawling, Movant (Pro Se) v. Andrei George Dunca, Petitioner Cause

No. 2025-17063

MOTION FOR SANCTIONS

I. INTRODUCTION

Comes now Movant Rodney Samuel Sprawling, appearing pro se, and pursuant to **Texas Rule of Civil Procedure 13**, **Texas Civil Practice and Remedies Code § 10.001**, and the Court's inherent authority, respectfully moves for the imposition of sanctions against Mudd Law Offices for filing pleadings without verified authority, in bad faith, and for improper purposes. Movant further requests transfer of this matter to Family Court pursuant to **Texas Family Code §§ 2.401, 3.001, 71.004, 155.204**, and **155.206**, as the underlying dispute arises from a domestic partnership, fiduciary breach, and emotional injury within a common law marriage.

II. GROUNDS FOR SANCTIONS

A. Lack of Authority and Standing

Movant repeatedly requested that Mudd Law Offices produce a signed retainer agreement or power of attorney authorizing them to represent Petitioner. These requests were specific and grounded in biometric and identity verification protocols. Movant requested either:

- A wet ink signature from Petitioner
- Or biometric verification using credentials already on file with CLEAR ID, TSA PreCheck, Forward Medical, 23andMe, and Global Entry

To facilitate this, Movant provided a redacted copy of Petitioner's driver's license to assist in identity matching. Despite these efforts, Mudd Law made no attempt to provide credible verification of representation. No signature, biometric match, or authenticated authorization has been produced.

This failure renders the suit procedurally invalid and violates **Texas Rule of Civil Procedure 13**, which prohibits filings made without legal or factual basis and requires that pleadings be signed in good faith. The Texas Supreme Court has held that "[a] pleading is groundless if it has no basis in law or fact and is not warranted by a good faith argument for

the extension, modification, or reversal of existing law.” *Low v. Henry*, 221 S.W.3d 609, 614 (Tex. 2007).

Moreover, initiating litigation on behalf of a potentially missing or incapacitated individual without verified authority raises serious ethical concerns under **Texas Disciplinary Rules of Professional Conduct Rule 3.01**, which prohibits attorneys from asserting claims unless there is a basis in law and fact for doing so.

The absence of verified representation also implicates **Texas Rule of Evidence 901**, which requires authentication of any evidence submitted to the court. Without verified identity or authorization, all pleadings and exhibits submitted by Mudd Law are inadmissible and procedurally defective.

B. Retaliatory Filing

Movant’s communications with Mudd Law prior to the filing of this suit were focused on preventing foreclosure, enforcing Petitioner’s obligations as co-borrower, and preserving shared assets. Instead of responding in good faith, Mudd Law initiated this lawsuit—despite knowing Petitioner was missing and failing to act on foreclosure warnings.

See Exhibit P – Correspondence from Charles Mudd (December 2024), in which Mr. Mudd states: “We have no obligations to you. You can either be patient as we amicably work to address your issues such that you cease making erroneous reports. Or, we can proceed with litigation.”

This statement confirms the retaliatory nature of the lawsuit and the firm’s refusal to engage in good-faith resolution. Filing suit in response to protected communications and lawful demands constitutes abuse of process and retaliation, actionable under **Texas Civil Practice and Remedies Code § 10.001**, which authorizes sanctions for filings made for improper purposes, including harassment and delay.

Texas courts have consistently held that litigation initiated for retaliatory or coercive purposes warrants sanctions. See *Tarrant County v. Ashmore*, 635 S.W.3d 417, 425 (Tex. App.—Fort Worth 2021, no pet.) (“A claim brought for an improper purpose, such as retaliation or harassment, warrants sanctions.”); see also *Nath v. Texas Children's Hosp.*, 446 S.W.3d 355, 361 (Tex. 2014) (sanctions appropriate where litigation is used to intimidate or punish).

Mudd Law’s refusal to engage in resolution, followed by threats of litigation, and subsequent filing of suit without verified representation, constitutes a pattern of bad faith and procedural abuse. Their conduct has inflicted emotional distress, financial harm, and destabilized Movant’s housing and legal standing—all in violation of their ethical obligations and the procedural safeguards of this Court.

C. Procedural Abuse and Intentional Infliction of Financial Harm

Foreclosure on 13339 Balmore Circle occurred during the pendency of appeal. Petitioner, as co-borrower, failed to fulfill his obligations under the mortgage. Movant repeatedly warned Mudd Law of the impending foreclosure and requested intervention. Despite being fully informed, Mudd Law made no effort to respond, intervene, or mitigate the loss.

As a result, Movant was evicted without proper notice, resulting in homelessness, the displacement of elderly family members, and the loss of shared property. The emotional toll was compounded by the unlawful withholding of Movant's emotional support animal, denial of access to essential belongings, and obstruction of recovery efforts.

This conduct constitutes more than negligence—it rises to the level of intentional infliction of financial harm. Under Texas law, a party may be sanctioned for conduct that is “groundless and brought in bad faith or for the purpose of harassment.” **Tex. R. Civ. P. 13**. Moreover, the Texas Supreme Court has recognized that “[a] party who abuses the legal process to inflict harm may be subject to sanctions even if the pleading is facially valid.” *Low v. Henry*, 221 S.W.3d 609, 614 (Tex. 2007).

Mudd Law's refusal to act, despite clear warnings and fiduciary obligations, demonstrates a coordinated effort to destabilize Movant's housing, finances, and emotional well-being. Their conduct also implicates ethical violations under **Texas Disciplinary Rules of Professional Conduct Rule 1.01(b)**, which prohibits neglect of a legal matter entrusted to a lawyer, and **Rule 4.04(a)**, which prohibits using legal process to burden third parties.

D. Timeline Confirms Retaliation

Movant formally terminated Mudd Law's representation of Petitioner on **February 21, 2025**, via notarized demand letter. That letter, along with its delivery confirmation, was received and acknowledged prior to the Plaintiff's filing on **March 13, 2025**.

See Exhibit R – Notice of Termination and Demand Letter to Mudd Law Offices See Exhibit S – Delivery Notification of Termination Letter

These documents confirm that the lawsuit was filed in direct retaliation for Movant's lawful assertion of authority and demand for accountability. Retaliatory litigation is sanctionable under **Texas Civil Practice and Remedies Code § 10.001(1)**, which prohibits filings made for improper purposes, including harassment and retaliation.

Texas courts have held that “[a] trial court may impose sanctions when a party uses litigation as a weapon to retaliate against another.” *Nath v. Texas Children's Hosp.*, 446 S.W.3d 355, 361 (Tex. 2014). The proximity between Movant's termination notice and Mudd Law's filing confirms retaliatory intent and procedural weaponization.

E. Tactical Delay and Prejudice

Movant filed a formal **Objection to Proposed Motion to Modify Docket Control Order** on **September 6, 2025**, documenting Plaintiff's late and misdirected communications, lack of good cause, and the undue prejudice that would result from altering the trial schedule.

See Exhibit Q – Objection to Proposed Motion to Modify Docket Control Order

Just four days later, Mudd Law filed a **Motion for Contempt** against Movant, citing alleged violations dating back to **March through July 2025**. The contempt motion was not filed contemporaneously with those incidents—it was filed only after Movant exposed procedural misconduct and demanded accountability.

This pattern of delay and retaliatory escalation violates the principles of fair notice and procedural integrity. Under **Texas Rule of Civil Procedure 21(b)**, motions must be served with sufficient notice to allow meaningful response. Filing contempt motions months after the alleged conduct, and only after procedural objections were raised, constitutes tactical abuse and prejudices Movant's ability to defend.

Texas courts have condemned such tactics. See *Kipness v. Kipness*, 99 S.W.3d 200, 205 (Tex. App.—Dallas 2003, no pet.) (“A party may not use procedural maneuvers to gain unfair advantage or retaliate against another party's lawful exercise of rights.”).

F. Weaponized Contempt and Attempted Prior Restraint

On **September 10, 2025**, Mudd Law filed a **Motion for Indirect Civil Contempt** seeking to fine, incarcerate, and silence Movant for publishing a memoir titled *Wallflower of the Year* by Aarom Milton Harveland, released through Daisy Daisy 333 Digital First. The memoir documents alleged abuse, disappearance, and deception involving Petitioner and his associates.

See Exhibit T – Motion for Indirect Civil Contempt filed by Mudd Law See Exhibit U – Referenced Memoir: *Wallflower of the Year*

The contempt motion demands removal of the book from sale and deletion of websites and social media profiles. This constitutes an unconstitutional **prior restraint** on speech. The Texas Supreme Court has held that “[a]n order is void if it deprives the relator of liberty without due process of law.” *Ex parte Barnett*, 600 S.W.2d 252, 254 (Tex. 1980). To be enforceable by contempt, an order must set out the terms of compliance in clear and unambiguous terms. *Ex parte Brister*, 801 S.W.2d 833, 834 (Tex. 1990).

In *In re Coppock*, the Court invalidated a contempt order that attempted to regulate “coarse or offensive” speech between former spouses, holding that such language was

too vague to support incarceration and constituted an impermissible prior restraint. See *In re Gayle E. Coppock*, No. 08-0093 (Tex. 2009).

The contempt motion here seeks to punish Movant for expressive conduct—namely, the publication of testimony and memoir—without any clear, unambiguous court order prohibiting such speech. This is not enforcement of a lawful decree—it is censorship. The timing of the filing, immediately following Movant’s procedural objections and publication of public testimony, confirms retaliatory escalation.

These actions violate Movant’s rights under the **Texas Constitution Article I, § 8** and the **First Amendment** of the U.S. Constitution. They also constitute procedural harm and emotional injury, and warrant sanctions under **Texas Rule of Civil Procedure 13, Texas Civil Practice and Remedies Code § 10.001**, and the Court’s inherent authority.

G. Law Enforcement Collusion and Retaliatory Threats

Prior to the filing of the Temporary Restraining Order, Movant contacted **Constable Mark Herman’s Office** to report stalking and harassment believed to be perpetrated by Petitioner’s associates. Despite providing documentation, the office refused to act. Instead, **Deputy Diaz** contacted Movant and warned him—on behalf of Mudd Law—that harassment charges would be filed if he continued to report Petitioner missing or sought help.

See Exhibit V – Formal Complaint Against Deputy Diaz, Constable Mark Herman’s Office

This incident constitutes procedural manipulation, abuse of public authority, and collusion between private counsel and law enforcement to suppress Movant’s testimony and obstruct his access to protective resources. Such conduct violates the principles of due process and equal protection under both the **Texas Constitution** and the **Fourteenth Amendment** of the U.S. Constitution.

Texas courts have recognized that abuse of process occurs when legal procedures are used for an ulterior purpose, such as intimidation or suppression of rights. See *Bennett v. Grant*, 525 S.W.3d 642, 649 (Tex. 2017) (malicious prosecution and abuse of process claims may arise from retaliatory use of legal proceedings); see also *Preston v. State*, 700 S.W.2d 227, 230 (Tex. Crim. App. 1985) (“The use of official authority to intimidate or retaliate against a citizen for exercising constitutional rights is unlawful.”).

Deputy Diaz’s warning, issued in coordination with Mudd Law, constitutes extrajudicial intimidation and violates the ethical boundaries of both law enforcement and legal advocacy. It is further evidence of a coordinated effort to silence Movant, obstruct justice, and retaliate against protected speech and lawful reporting. These actions have inflicted procedural harm and emotional injury, and they warrant sanctions under **Texas Rule of Civil Procedure 13** and the Court’s inherent authority.

H. Failure to Rebut Marital and Business Standing

Mudd Law has filed contempt motions and defamation claims without first proving valid representation or rebutting Movant's sworn declaration of informal marriage under **Texas Family Code § 2.401**. The burden of proof to rebut a valid informal marriage lies with the party contesting it. See *In re Interest of JJFR*, No. 05-15-01234-CV, 2016 WL 4254494 (Tex. App.—Dallas Aug. 11, 2016, no pet.) (mem. op.) ("The party denying the existence of an informal marriage bears the burden of disproving the statutory elements.").

Despite this, Mudd Law has:

- Offered no biometric or signed authorization from Petitioner
- Relied on unverified emails and phone numbers allegedly associated with Movant
- Provided no evidence of legal separation, asset division, or mutual dissolution of the business or domestic partnership
- Ignored operating agreements that require Petitioner to formally remove himself from shared entities

As Petitioner's common law spouse and business partner, Movant retains the legal right to contact Petitioner regarding shared assets, contractual obligations, and emotional support. Petitioner remains in breach of contract for failing to remove himself from shared entities in accordance with operating agreements.

Mudd Law's filings are not grounded in law—they are retaliatory attempts to erase Movant's standing, silence his testimony, and punish him for asserting rights that have not been legally dissolved. This conduct constitutes intentional infliction of emotional harm, procedural abuse, and a violation of Movant's marital and contractual protections.

Texas courts recognize that fiduciary duties arise from both marital and business relationships. See *Boyd v. Boyd*, 131 S.W.3d 605, 610 (Tex. App.—Fort Worth 2004, no pet.) ("A fiduciary duty arises from a marital relationship and includes duties of disclosure, loyalty, and care."); see also *Johnson v. Brewer & Pritchard, P.C.*, 73 S.W.3d 193, 199 (Tex. 2002) (fiduciary duties in business partnerships require good faith and fair dealing).

Mudd Law's refusal to acknowledge these duties, combined with their failure to rebut Movant's standing, supports the imposition of sanctions and the transfer of this matter to Family Court for proper adjudication under the Texas Family Code.

I. Fabricated or Misattributed Communications

Mudd Law has submitted emails and digital communications as evidence in support of contempt and defamation claims. However, these emails are deeply suspect and lack verified authorship:

- Movant repeatedly requested confirmation of identity for emails allegedly sent by Petitioner, especially after his disappearance. These requests were ignored or denied.
- Petitioner previously admitted that a critical letter sent to Movant was drafted by his lawyer, not by Petitioner himself. The tone, syntax, and emotional register of that letter did not match Petitioner's voice, as recognized by Movant after ten years in a relationship.
- Movant documented in prior filings that emails attributed to Petitioner did not sound like him, and appeared to be written by legal counsel impersonating his voice.
- One such lawyer threatened Movant directly, stating that if he did not comply with demands, he would be held up in court until bankrupt. This threat, combined with emotional and financial pressure, forced Movant under duress to sign away rights to property in Los Angeles and Texas.
- These emails could have been easily verified with a simple phone call. Movant requested such verification repeatedly. Petitioner refused to answer the phone, despite knowing that Movant was attempting to confirm authorship.

Under **Texas Rules of Evidence Rule 901**, the proponent of electronic evidence must produce sufficient evidence to support a finding that the item is what they claim it is. Courts have held that emails and digital communications must be authenticated through distinctive characteristics, corroborating testimony, or direct admission. See *Tienda v. State*, 358 S.W.3d 633, 638–39 (Tex. Crim. App. 2012) (authentication requires evidence linking the communication to the purported author); see also *Simon v. State*, 279 Ga. App. 844, 632 S.E.2d 723 (2006) (emails inadmissible without authentication).

Mudd Law has failed to authenticate the communications they rely upon. Their refusal to verify authorship, combined with the timing of the threats and the coercive pressure placed on Movant, renders these emails inadmissible and further supports the imposition of sanctions. The use of unauthenticated, misattributed communications to justify contempt and defamation claims constitutes procedural abuse and intentional infliction of emotional and financial harm.

J. Jurisdictional Misclassification and Request for Transfer to Family Court

Movant has provided sworn declarations and supporting filings establishing a valid informal marriage under **Texas Family Code § 2.401**, which recognizes informal marriage where the parties:

- Mutually agree to be married
- Cohabit in Texas as spouses
- Represent themselves to others as married

Movant and Petitioner have satisfied all three elements. They cohabited continuously since at least March 2, 2018, held out as spouses through joint acquisition of property, and jointly formed and operated multiple business entities, including Sean Sprawling Productions LLC. Petitioner has since abandoned his obligations under the operating agreements of these entities, constituting breach of contract and further evidencing the dissolution of both marital and business commitments.

Mudd Law was in direct contact with Movant beginning in November 2024. Despite repeated requests, they failed to provide verifiable proof of life for Petitioner or legal authorization to represent him. After refusing to authenticate their authority, Charles Mudd informed Movant via email that his firm would no longer communicate. No further communication occurred until Constable Mark Herman's Office issued a harassment warning, relayed on behalf of Mudd Law. Following that, Mudd Law made no attempt to engage or resolve the matter—instead, they escalated directly to litigation.

This sequence is not incidental—it is evidence of bad faith use of the courts, manipulation of legal process, and retaliation against Movant's lawful efforts to verify representation and protect shared assets. By cutting off communication, refusing to verify identity, and then using Movant's attempts to seek help as grounds for contempt and defamation, Mudd Law entrapped Movant into circumstances where he had no choice but to reach out. The very actions they now sue him for were necessitated by their own procedural obstruction.

Despite knowing the nature of the relationship and the fiduciary obligations involved, Mudd Law has:

- Failed to provide any evidence rebutting the informal marriage claim
- Failed to cure or address the breach of contract under the operating agreements
- Provided no evidence of legal separation, asset division, or mutual dissolution of the business or domestic partnership
- Continued to litigate this matter as a civil dispute, while seeking contempt and defamation remedies that arise from domestic and fiduciary contexts

This jurisdictional misclassification is not a neutral error—it is part of a broader pattern of procedural abuse. By deliberately ignoring the domestic nature of the relationship and mischaracterizing the dispute as purely civil, Mudd Law has weaponized the court process to suppress testimony, evade fiduciary accountability, inflict emotional harm, and intentionally inflict financial harm. These actions meet the threshold for sanctions under **Texas Rule of Civil Procedure 13**, which prohibits filings made without legal or factual basis and for improper purposes, and under the Court's inherent authority to prevent abuse of process.

Furthermore, the Texas Family Code provides for transfer of proceedings to the appropriate court when the subject matter implicates domestic relationships and fiduciary obligations. See **Texas Family Code § 155.204** (Procedure for Transfer) and **§ 155.206**

(Effect of Transfer). The fiduciary obligations at issue—including shared property management, contractual duties, and emotional support—are not merely commercial in nature; they are inherently domestic, arising from the marital partnership and governed by family law principles.

As Petitioner is both Movant’s **common law husband**—and **documented dependent since 2013**—and **business partner**, and the alleged harms arise from abandonment, breach, and emotional injury within that relationship, Movant respectfully moves that this case be **transferred to Family Court** for proper adjudication under the **Texas Family Code**.

III. PRAYER FOR RELIEF

Movant respectfully requests that this Court:

1. Impose **sanctions** against Mudd Law Offices for filing a suit without valid authority, in bad faith, and in violation of Texas Rule of Civil Procedure 13
2. Strike all pleadings filed by Mudd Law in this matter due to lack of verified representation and procedural misconduct
3. Deny the Motion for Contempt in its entirety and recognize it as retaliatory, coercive, and unsupported by verified evidence
4. Award Movant reasonable costs and damages associated with defending against this retaliatory and procedurally abusive action
5. Refer the matter for disciplinary review based on Mudd Law’s refusal to verify representation, suppression of testimony, and use of litigation to inflict emotional and financial harm
6. Transfer this case to **Family Court** for adjudication under the Texas Family Code, in recognition of the domestic and fiduciary nature of the relationship and the jurisdictional misclassification
7. Grant any other relief the Court deems just and proper in light of the documented pattern of retaliation, entrapment, and procedural abuse

Respectfully submitted,
/s/ Rodney Samuel Sprawling
Rodney Samuel Sprawling

UNSWORN DECLARATION OF RODNEY SAMUEL SPRAWLING (Rodney Sprawling-Dunca)

Pursuant to Texas Civil Practice & Remedies Code § 132.001

I, Rodney Samuel Sprawling, also known as Rodney Sprawling-Dunca, declare under penalty of perjury that the following is true and correct:

1. My name is Rodney Samuel Sprawling. I am the Movant in the above-captioned matter. I am over the age of eighteen, of sound mind, and competent to make this declaration. All statements herein are based on my personal knowledge.
2. I was in direct communication with Mudd Law Offices beginning in November 2024. My communications were focused on preventing foreclosure of the shared property located at 13339 Balmore Circle, enforcing Petitioner's obligations as co-borrower, and preserving jointly held assets and business interests.
3. Despite repeated requests, Mudd Law refused to verify their authority to represent Petitioner. I requested either a wet ink signature or biometric verification using credentials already on file with CLEAR ID, TSA PreCheck, Forward Medical, 23andMe, and Global Entry. I provided a redacted copy of Petitioner's driver's license to assist in identity matching. No verification was provided.
4. On February 21, 2025, I formally terminated Mudd Law's representation of Petitioner via notarized demand letter. That letter was received and acknowledged prior to the filing of this lawsuit on March 13, 2025. The timing confirms that the lawsuit was filed in direct retaliation for my lawful assertion of authority and demand for accountability.
5. Foreclosure occurred during the pendency of appeal. Petitioner failed to fulfill his obligations under the mortgage. I repeatedly warned Mudd Law of the impending foreclosure. They refused to intervene. As a result, I was evicted without proper notice, resulting in homelessness, displacement of elderly family members, and loss of shared property. My emotional support animal was unlawfully withheld, and I was denied access to essential belongings.
6. On September 6, 2025, I filed a formal Objection to Proposed Motion to Modify Docket Control Order. Four days later, Mudd Law filed a Motion for Contempt against me, citing alleged violations dating back to March through July 2025. These allegations were not raised contemporaneously and were filed only after I exposed procedural misconduct.
7. On September 10, 2025, Mudd Law filed a Motion for Indirect Civil Contempt targeting my memoir, *Wallflower of the Year*. The motion seeks to fine, jail, and silence me for publishing testimony regarding abuse, disappearance, and deception involving Petitioner. The motion demands removal of the book from sale and deletion of websites and social media profiles. This constitutes unconstitutional prior restraint and retaliation against protected speech.
8. Prior to the TRO filing, I contacted Constable Mark Herman's Office to report stalking and harassment. Despite providing documentation, the office refused to act. Instead, Deputy Diaz contacted me and warned me—on behalf of Mudd Law—that harassment charges would be filed if I continued to report Petitioner missing or sought help. I filed a formal complaint against Deputy Diaz.

9. I have submitted sworn declarations and supporting filings establishing a valid informal marriage under Texas Family Code § 2.401. Petitioner and I cohabited continuously since March 2, 2018, held out as spouses, and jointly operated multiple business entities. Petitioner remains in breach of contract for failing to remove himself from shared entities. Mudd Law has failed to rebut this marital and fiduciary standing.
10. Mudd Law has submitted emails and digital communications that lack verified authorship. I repeatedly requested confirmation of identity. Petitioner refused to answer calls. One letter attributed to Petitioner was admitted to have been drafted by counsel. The tone and syntax did not match Petitioner's voice. I was threatened with bankruptcy and coerced into signing away property rights under duress. These communications occurred during a cyberattack that disabled my ability to verify authorship.
11. All facts stated herein are true and correct and based on my personal knowledge. I submit this declaration in support of my Motion for Sanctions and request for transfer to Family Court.

Executed on September 11, 2025.

Respectfully submitted,
/s/ Rodney Samuel Sprawling
Rodney Samuel Sprawling



EXHIBIT LIST

- **Exhibit P:** Correspondence from Charles Mudd (December 2024).
- **Exhibit Q:** Objection to Proposed Motion to Modify Docket Control Order.
- **Exhibit R:** Notice of Termination and Demand Letter to Mudd Law Offices.
- **Exhibit S:** Delivery Notification of Termination Letter.
- **Exhibit T:** Motion for Indirect Civil Contempt filed by Mudd Law.
- **Exhibit U:** Referenced Memoir: *Wallflower of the Year* by Aarom Milton Harveland.
- **Exhibit V:** Formal Complaint Against Deputy Diaz, Constable Mark Herman's Office.