

CAUSE NO. _____

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| L.L.C., INC. AND GLENN WILLIAMS | § | IN THE DISTRICT COURT |
| | § | |
| V. | § | OF TRAVIS COUNTY, TEXAS |
| | § | |
| ALEX BAHRAMI, ATLANTA GRILL, L.L.C., d/b/a ROCKSTARS, AND GREG HAMILTON | § | |
| IN HIS OFFICIAL CAPACITY AS | § | |
| TRAVIS COUNTY SHERIFF | § | _____ JUDICIAL DISTRICT |

PLAINTIFFS' ORIGINAL PETITION

L.L.C., Inc. and Glenn Williams, Plaintiffs, submits this their Plaintiffs' Original Petition and complains of Alex Bahrami, Atlanta Grill, L.L.C., d/b/a Rockstars, and Greg Hamilton in his Official Capacity as Travis County Sheriff, Defendants, and would show:

1. This suit is subject to a level 2 discovery plan per T.R.C.P. 190.3.
2. Plaintiff L.L.C., Inc. is a Texas limited liability corporation doing business in Travis County, Texas.
3. Glenn Williams is an individual residing in Travis County, Texas and a majority stock holder in L.L.C., Inc.
4. Alex Bahrami ("Bahrami") is an individual residing in Travis County, Texas and may be served with process by service of citation on him at 8601 Sansom Road, Austin, Texas 78754.
5. Atlanta Grill, L.L.C. d/b/a Rockstars (sometimes referred to herein as "Rockstars") is a Domestic Limited Liability Company which may be served with process by service of citation upon its registered agent Behzad Bahrami at his registered office at 8601 Sansom Road, Austin, Texas 78754.
6. Greg Hamilton, Defendant, is sued in his official capacity as Travis County Sheriff and may be served with process by service of citation upon him at 5555 Airport Blvd.,

Austin, TX 78751.

7. Defendant Bahrami is the applicant and holder of that certain Sexually Oriented Business Certificate Registration #100200 for Atlanta Grill, L.L.C. at 14106 North IH 35, Austin, Texas (the "SOB Permit"). On information and belief, Greg Hamilton in his official capacity as Travis County Sheriff approved and issued the SOB Permit or about February 28, 2010. Bahrami and Atlanta Grill, L.L.C. operate a sexually oriented business pursuant to the SOB Permit at 14106 North IH 35, Austin, Texas under the trade name "Rockstars".

8. The Travis County Sexually Oriented Business Ordinance is specific in prohibiting the approval or issuance of a Sexually Oriented Business Certificate of Registration, or allowing the operation of a sexually oriented business, in a location which is:

- a. within 1,000 ft. of a single family residence;
- b. within 1,000 ft. of a church;
- c. within 1,000 ft. of a daycare; or
- d. within 1,000 ft. of a school.

9. The sexually oriented business which Defendants Bahrami and Atlanta Grill, L.L.C. operate at 14106 North IH 35, Austin, Texas is in violation of the Travis County Sexually Oriented Business Ordinance in that said location is:

- a. within 1,000 ft. of a single family residence: Chardonnay Apartments located at 1801 Wells Branch Parkway (and which utilizes entrances on Thermal Drive;
- b. is within 1,000 ft. of a church: The Seed/La Semilla Church located at Capital Industrial Park, Suite C-1, 13900 North IH 35 North, Austin, Texas; and
- c. is within 1,000 ft. of a daycare: Capital Gymnastics located at 13900 North IH 35, Suite A-1, Austin, Texas.

10. The Chardonnay Apartments, The Seed/La Semilla Church, and the Capital Gymnastics Daycare were located and present at the stated locations – and within 1,000 ft. of the

Bahrami/Atlanta Grill, L.L.C. d/b/a Rick's location – at the time Bahrami/Atlanta Grill, L.L.C. presented its application for the SOB Permit.

11. Plaintiffs do not have access to the application which Bahrami/Atlanta Grill, L.L.C. filed with the Travis County Sheriff and which resulted in the issuance of the SOB Permit. On information and belief, Bahrami/Atlanta Grill, L.L.C. misrepresented to the sheriff that the SOB Permit location was not within 1,000 ft. of family residences or a church.

12. Plaintiffs are persons interested under a statute/ordinance or other writing and whose rights, status, or legal relations are affected by the writings or a statute/ordinance. Plaintiffs, therefore, are entitled to have questions concerning the validity of the SOB Permit, interpretation and declaration of Plaintiffs and Defendant's rights, status, and legal relations determined by declaratory judgment pursuant to Chapter 37 et. seq. of the TEX. CIV. PRAC. & REM. CODE. Plaintiffs seek declaratory judgment that the SOB Permit:

- a. is not a valid subsisting SOB license;
- b. was not validly or properly obtained pursuant to and as required by the Travis County SOB ordinance;
- c. Rockstar's operation is not in compliance with the Travis County SOB ordinance;
- d. Bahrami and Atlanta failed to provide information reasonably necessary for the valid issuance of the SOB Permit; and
- e. Bahrami and Atlanta gave false or misleading information in the information submitted to the Sheriff during the application process for the SOB Permit.

13. Plaintiff also seeks declaratory judgment that the buildings at 16515 Bratton Lane (where Perfect 10 Men's Club is presently located) do not have common driveways or access, and therefore no sexually oriented business license may be issued for a location within 1,000 feet of the nearest boundary line of the property on which Perfect 10 Men's Club is presently located.

14. This Court also has jurisdiction and authority to render judgment as requested

pursuant to § 50.13(g) of the Texas SOB Order.


15. Plaintiffs also seek mandamus directing that the Travis County Sheriff cancel and revoke the SOB Permit.

16. All conditions precedent to Plaintiffs' right to bring this action to the relief sought herein have been met or have occurred.

WHEREFORE PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein. Plaintiffs pray for temporary injunction and permanent injunction. Plaintiffs pray for declaratory judgment and mandamus. Plaintiffs pray for reasonable and necessary attorney's fees and costs of court. Plaintiffs pray for other and further relief.

Respectfully submitted,

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By: 

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