

COMPLAINT

July 15, 2011

To: Hays County District Attorney, Sherri Tibbe
110 E. MLK Dr.
San Marcos, Texas 78666
Phone: (512) 393-7600
Fax: (512) 393-7619

Cc: Texas Third Court of Appeals (03-10-398-CR)

Re: Complaint of Perjury and Aggravated Perjury by Nickolas George Ramus Jr During Trial, in Sworn Chartwells, Inc. Deposition and in Testimony before Hays County Commissioners' Court

This complaint is filed on behalf of Hays Community Action Network (HaysCAN) with the request that your office prosecute all instances of perjury and aggravated perjury to the fullest extent of the law. HaysCAN is a non-profit organization with a mission to observe and participate in governmental decision processes that impact the public interest, and to inform, educate and assist those citizens wishing to participate more fully in the public decisions that impact their daily lives, their property values, and the quality of life in their communities.

Who is Nickolas George Ramus, Jr.?

- + Current Address: 2511 S. Old Bastrop Highway, San Marcos, Texas 78666
- + Telephone: (512) 396-3694
- + Born: October 21, 1952, Spokane, Spokane County, Washington
- + Mother's Maiden Name: Hattie Mary Howard (deceased)
- + Father's Name: Nickolas George Ramus (deceased)
- + Birth Certificate Number: 146-1952-060096 (EXHIBIT-A)
- + Texas Drivers License: 11765886
- + SS#: 543-64-7102
- + Military Service: U.S. Navy, 11/9/70 – 9/28/71, Administrative Discharge
- + Employed April 1982 as a cook at Southwest Texas State until January 2001

This Complaint documents a pattern of aggravated perjury that Nickolas George Ramus, Jr. has continued to engage in during the conduct of:

1. His criminal trial on the charge of Deadly Conduct, 03-10-398-CR (on appeal)
2. His civil suit against Hays County, No. 07-1023, (awaiting ruling to dismiss)
3. His federal pro se civil suit against Chartwells, Inc., Case 1:02-cv-00058-JRN-AWA, (dismissed)
4. His false testimony in Hays County Commissioners' Court (4/10/07 & 8/15/07)

Detailed examples of documented aggravated perjury by Nickolas George Ramus include:

1. Lying about his military service
2. Lying about his criminal record
3. Lying about his work experience
4. Lying about his race in official proceedings

Perjury and Aggravated Perjury

According to Section § 37.02 of the Texas Penal Code, a person commits *perjury* if, with the intent to deceive and with knowledge of the statement's meaning, he makes a false statement under oath. Perjury is a Class A misdemeanor punishable by up to 6 months in the county jail.¹

A person commits *aggravated perjury* (§ 37.03), however, if the false statement is made during or in connection with an official proceeding and if the false statement is material.

A statement is material if it "could have affected the course or outcome of the official proceeding." Aggravated perjury is a third degree felony punishable by from 2 - 10 years in the state penitentiary.²

1. RAMUS LIED ABOUT HIS MILITARY SERVICE

Lying about your military service dishonors those who serve, and is vigorously prosecuted in Texas. (**EXHIBIT-B...***Anderson County man gets 8 years for perjury*)

Ramus committed aggravated perjury about his military service during his Deadly Conduct trial. (**EXHIBIT- C...***Deadly Conduct Trial Transcript*)

Higgins: "I take it you were a member of the Armed Forces?" (Page 102, line 6)

Ramus: "*The United States Navy.*" (Page 102, line 8)

Higgins: "And what was your duty?" (Page 102, line 15)

Ramus: "*I was a machinist mate Nuclear, which means I was in the process of being trained to operate the nuclear propulsion systems on the submarines.*" (Page 102, line 16)

Higgins: "So were you working directly on a submarine?" (Page 102, line 10)

Ramus: "*I hadn't gotten there yet; I was still in training. You get a four-year college education in about six months and then you – from there you go six months on a nuclear reactor in Idaho. And I had injured my eye when we went out to sea, which caused a cataract and I was unable to pass the stringent tests to continue in that profession.*" (Page 102, line 20)

¹ Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

² Ibid
Acts 2007, 80th Leg., R.S., Ch. 1085, Sec. 2, eff. September 1, 2007.

Higgins: "Is there anything else unique about your military service that the Court should know?" (Page 103, line 17)

Ramus: "Yes. I was – I had a top-secret security clearance for that job. (Page 103, line 19)

Higgins: "And what – what's involved in securing and getting a top-secret security clearance? (Page 103, line 21)

Ramus: "You're researched by the FBI, and in 1970 dollars it would cost a quarter of a million dollars. (Page 103, line 23)

Higgins: "This FBI investigation, how long did that take?" (Page 104, line 12)

Ramus: "It takes six months to a year." (Page 104, line 13)

Higgins: "And how old were you at that time?" (Page 104, line 17)

Ramus: "When I got the news I was 19." (Page 104, line 18)

Official records show that Ramus only held a high school equivalent degree (GED); that he could not have qualified for nuclear service in the navy; and that he served in the United States Navy for less than a year, from November 9, 1970 to September 28, 1971, (EXHIBIT-D...National Personnel Records Center), before receiving an Administrative Discharge. (EXHIBIT-E...Ramus Oral Deposition and Military Justice 101)

Among the most egregious aggravated perjury by Nickolas George Ramus, Jr. regarding his fictitious military service is his false testimony that he received notice of FBI top secret clearance as a Machinist Mate Nuclear in the Navy AFTER receiving an Administrative Discharge one month following his 19th birthday! Ramus' navy pay grade was only one step above recruit (less than 4 months of service), and having served less than one year Ramus could not have held rank of Machinist Mate, much less Machinist Mate Nuclear.

Ramus cannot document any of his outrageous claims about his fictitious military service. Ramus even falsely posted his Navy rank as Machinist Mate Third Class and claims to have served on the USS Tripoli. (EXHIBIT-F...US Navy Crew List) This is the rank of a Petty Officer---a rank not possible with less than a year of service. Ramus also falsely claims to have served three months onboard the USS Tripoli (May 23, 1971 – Aug 16, 1971), while off the coast of Viet Nam (EXHIBIT-E...Ramus Oral Deposition), page 93, line 13), and shortly before he received an Administrative Discharge. During the period of ship duty claimed by Ramus the USS Tripoli was actually on training maneuvers off the coast of California.

2. RAMUS LIED ABOUT HIS CRIMINAL RECORD--TWICE

When asked if he had ever been charged with a crime, Ramus perjured himself twice. (EXHIBIT-C...Deadly Conduct Trial Transcript)

Higgins: "So it is fair to say then that you've never been charged with a crime?" (Page 107, line 25)

Ramus: "No." (Page 108, line 2)

Higgins: "And you've never been convicted of a crime?" (Page 108, line 5)

Ramus: "Never." (Page 108, line 6)

Ramus clearly had intent to deceive Judge Rodriguez, and with knowledge of their meaning made false statements under oath. These false statements meet the two basic criteria of aggravated perjury. His false statements were made, "during or in connection with an official proceeding (his deadly conduct trial) and was material because it, "could have affected the course or outcome of the official proceeding" had Judge Rodriguez believed Ramus. (**EXHIBIT-G...Criminal Case Records Search Results**)

Previously, in his April 8, 2003 sworn oral deposition of his failed pro se federal discrimination suit against Chartwells, Inc., Ramus was asked if he had ever been convicted of a crime and he answered, "No." (**EXHIBIT-E...Ramus Oral Deposition, Page 82, line 23**)

3. RAMUS LIED ABOUT FINANCIAL COSTS IN A CIVIL SUIT AND IN A COMMISSIONERS' COURT PERMIT HEARING

On June 7, 2007, Plaintiff, THK Properties, Inc., in which Nickolas George Ramus, Jr. was a principal, the registered agent, and resident manager, filed suit (No. 07-1023) in District Court of Hays County, Texas seeking declaratory judgment and injunctive relief from the defendant, Hays County. On page 10, under Section V, Facts, paragraph 5.14 of the original petition, the following claim was made:

"Plaintiff has over \$1,000,000 invested in its commercial kitchen project and approximately \$100,000 invested in its permitted on-site sewage facilities which are fully constructed." (Page 10, paragraph 5.14) (**EXHIBIT-H...Plaintiff's Original Petition**)

Skip Newsom (SBN: 14973800), the attorney representing THK Properties, L.L.C. and Ramus, failed to exercise reasonable caution or professional responsibility regarding this obvious false claim by Ramus. Ramus perjured himself and Newsom, at best, failed to have his client support a false statement that, "could have affected the course or outcome of the official proceeding."

Two months later on August 14, 2007, Nickolas George Ramus, Jr., testified falsely again before Hays County Commissioners' Court in the matter of his claimed \$1,000,000 commercial kitchen project and \$100,000 on-site sewage facilities permit. Ramus, who was previously twice convicted of being a Public Nuisance (**EXHIBIT-G... Criminal Case Records Search Results**), and claimed to be indigent (**EXHIBIT-I... Ramus Public Nuisance Plea Sheet**), again falsely responded to questions from members of the Hays County Commissioners' Court who were meeting to consider reinstatement of his ill gotten on-site sewage facilities permit. (**EXHIBIT-J...Hays County Commissioners' Court Transcript 8/14/07**)



Commissioner Barton: "Can you please estimate for me how much this appeal has cost you?" (Page 3, line 10)

Ramus: "Ah, everything that the opposition has created." Page 3, line 13)

Barton: "Financially." (Page 3, line 15)

Ramus: "Ah, a quarter million in extra costs. We had to go out and buy land ahead of time and and put the mobile homes we had for the uh, uh, uh, for the warehouses. We had to do all of that ahead of time out of the investment instead of doing it out of cash flow. And still we're paying money out of investments rather than cash flow." (Page 3, line 17)

Barton: "And some of that's appropriate in order to meet county rules. I'm, I'm, I'm interested in what' the cost of understanding the costs over the last six months." (Page 3, line 22)

Ramus: "Probably \$60,000." (Page 3, line 25)

Once again, Ramus commits aggregated perjury by trying to affect the outcome of an official proceeding with false statements. The land Ramus refers to, "for the warehouses," is actually ten (10) rural acres purchased in nearby Guadalupe County by John Phillip Ownbey & Lisa Marie St. George of 2768 Colony View Pl, Haywood, CA 94541-5655, principles of THK Properties, LLC (**EXHIBIT-K...Guadalupe County Appraisal District**), to store the derelict mobile homes that Ramus was ordered to remove from his falsely claimed \$1,000,000 property after convicted of being a Public Nuisance. Those ten acres were appraised at \$42,340. The fictitious \$1,000,000 two acre property where Ramus lives is appraised at only \$58,890 (**EXHIBIT-L...Hays County Appraisal District**)

4. RAMUS LIED ABOUT HIS RACE IN OFFICIAL PROCEEDINGS

In his second common law divorce, Ramus attests to the State of Texas that he is "white." (**EXHIBIT-M...In the District Court of Caldwell County, Texas, page 3**). Ramus then swore in his Chartwells oral deposition that he was Native American. (**EXHIBIT-E...Ramus Oral Deposition, page 68, line 20**). Ramus also swore in his complaint with the Texas Commission on Human Rights that his national origin was Native American (**EXHIBIT-N...Charge of Discrimination**) Ramus unsuccessfully sued his former employer pro se, accusing Chartwells of discriminating against him because he was a Native American, thereby committing aggravated perjury. Ramus committed perjury in one of the official proceedings. Ramus can't be white and a Native American. Neither of Ramus' parents were Native American (**EXHIBIT-A...Certificate of Live Birth**)

5. RAMUS LIED IN A SWORN DEPOSITION AND AT COMMISSIONERS' COURT REGARDING HIS WORK EXPERIENCE

We believe the evidence shows that Nickolas George Ramus, Jr., is a pathological liar who alters his life failings to fit his fantasies, even while under oath. Nothing demonstrates this more clearly than Ramus' false descriptions of his work experience

while under oath. Ramus swears to tell the truth but lies while attempting to affect the outcome of official proceedings and in doing so commits aggregated perjury.

Here are three separate accounts of the Ramus work experience---two fictitious accounts provided by Ramus while under oath, and a documented account of his life that includes actual employment records.

The first account is from Ramus' Oral Deposition taken in his 2003 federal suit against his former employer. (**EXHIBIT-E...Ramus Oral Deposition**)

Synopsis of Ramus' false testimony in Chartwells oral deposition

regarding his work experience. Ramus is a flimflam artist and clearly made up his work history on the fly, claiming fictitious employers and events. (**Bold italic inserts are documentation contradicting Ramus' Chartwells deposition testimony**):

- **1952 October 21---Ramus born in Washington state (EXHIBIT-A...Certificate of Live Birth)**
- **1967 Ramus falsely claims that at age 15 he was hired as a cook's helper at the Miriam Motor Hotel in Santa Monica, CA (Ramus also claims to have attended high school in Oregon and only lacked one art project for graduating. Ramus may be lying on both accounts but surely couldn't be in two locations at the same time)**
- **(1970 - 1971 Ramus was in the Navy November 9, 1970 - September 28, 1971, EXHIBIT-D...National Personnel Records Center)**
- **1972 Ramus falsely claims that he was the night cook at Sambos pancake house in Santa Monica, CA for eight months to a year and that his brother worked at Sambos. (See EXHIBIT-O... Email From Peggy Ramus, Sister-in-Law of Nickolas George Ramus indicating a dysfunctional relationship between Ramus and his brother Dimitri, her husband)**
- **1972 Ramus falsely claims that he left Sambos to take a job at the Miramar Hotel in Santa Monica, CA. after about a year.**
- **1973 Ramus falsely claims that he left Miramar Hotel for job in the kitchen of a fine restaurant in Westwood after six months.**
- **1972 to 1975 or 1976 Ramus falsely claims that he got accepted as apprentice at the Century Plaza Hotel and worked under Chef Walter Roth for about two years. (Chef Walter Roth died in 2004, but there is no record of Ramus ever having been in the Apprenticeship Program. Ray Sylvester is webmaster for Westin Alumni Association (www.westinalumsdb.org))**
- **1975 or 1976 Ramus falsely claims he left Century Plaza Hotel for job at Hotel Baren in Switzerland with a German chef for six months. (No record showing Ramus ever held a US passport.)**
- **1976 Ramus falsely claims he left Hotel Baren for sous-chef job at Plaza Hotel in Tiberias, Israel with a French chef for almost a year. (No record showing Ramus ever held a US passport.)**

- 1977 Ramus falsely claims he left Israel because mother-in-law demanded Ramus and his common law wife return to the U.S. *(No record showing Ramus every held a US passport.)*
- 1977 Ramus falsely claims he was *chef tournant* at Bonaventure Hotel in downtown Los Angeles for about six months and quit.
- 1978 Ramus falsely claims that a friend opened up a restaurant in Los Angeles and Ramus worked there for six or eight months.
- 1979 Ramus falsely claims that he was sous-chef at Maldnados, a show club, in Pasadena, California, for about a year.
- 1980 Ramus falsely claims that he worked for about a year as executive chef for Restaurant Central in Monterey, California on the Reagan inauguration and over five restaurants, including the Sardine Factory. *(No record exists of Ramus employment)*
- 1981 Ramus falsely claims that he met Jean LaFonte at President Reagan's inauguration and LaFonte ask Ramus to be executive chef at Authur's in San Antonio, Texas, there for about six to eight months. *(Jean LaFante' office in Dallas, Texas, "never heard of Nick Ramus")*
- 1981 Ramus falsely claims that he was executive chef at City Club in San Antonio, Texas for six months.
- 1982 April, Ramus was hired as a cook *(Ramus later gave himself the title, Executive Chef-Catering)* by Professional Food Management, a husband/wife team at Southwest Texas State, San Marcos, Texas, until January, 2001. Chartwells, Inc. took over the PFM food contract in 1996, and *demoted Ramus on January 18, 2001 for issues of personal hygiene, insubordination and laziness (EXHIBIT-P...Chartwells, Inc. Demotion Letter to Ramus)*

Synopsis of Ramus' false testimony at Hays County Commissioners' Court Permit Hearing August 14, 2007:

- Ramus falsely claimed that he was a chef for 27 years *(See closing comments below)*
- Ramus falsely claimed that he trained under Walter Roth of Westin Hotels *(Chef Walter Roth died in 2004, but there is no record of Ramus having been in the Apprenticeship Program. Ray Sylvester is webmaster for Westin Alumni Association (www.westinalumsdb.org))*
- Ramus falsely claimed that he was a chef in a top restaurant corporation in California. *(There was no record of Ramus ever working where he claimed to work)*
- Ramus falsely claimed that he was one of top 17 chefs of America invited to participate in the Reagan/Bush inaugural and one of the first three chefs in the Reagan White House *(This is an outrageous claim even for Ramus!)*
- Ramus falsely claimed that Jean LaFont was one of the three White House chefs and brought him to be the chef at Authors Restaurant in San Antonio. *(Jean LaFont has never heard of Ramus. Authors in San Antonio has been closed for a long time but a retired SA Arthurs manager never heard of Ramus)*

- Ramus falsely claimed that he did everything LaFont asked of him while chef at Arthurs. (*In his Chartwells, Inc. deposition, Ramus claims Iraqi or Iranian management didn't like him and he was let go from Authors because he, "didn't spend enough on groceries."*)
- Ramus falsely claimed that in 1991, he prepared meals for San Antonio Meals-On-Wheels and raised \$80,000. (*No one in the San Antonio Meals-On-Wheels had ever heard of him and said there would be plaques with his name and photo everywhere if he had raised that much money*)
- Ramus falsely and outrageously claimed that he was included in the 1992 Who's Who in Rising Young Americans. In fact only recognized high achievers are included. (**EXHIBIT-Q**...*Kirk Bachmann, Chef in 1992 Who's Who in Rising Young Americans*)

What the record factually shows:

- ☑ Ramus was born 10/21/52 in Seattle County, Washington to white parents
- ☑ Ramus obtained a GED at age 18
- ☑ Ramus was in Navy only eleven months 11/9/70 – 9/28/71, before being given a Administrative Discharge
- ☑ Ramus first common law wife, Shari Goldsholl still lives in California
- ☑ Ramus had a child born June 4, 1980 with second common law wife.
- ☑ Marissa Ewing (2nd common law wife) announced they were married on June 4, 1980
- ☑ Ramus got a 15 year old girl pregnant and left California (*Testimony of former friend and Ramus associate*)
- ☑ Ramus moved with his daughter from California to Pecan Park trailer park in Caldwell County, Texas in October 1981
- ☑ Ramus began working as a cook for PFM Service at SWTSU, San Marcos May 9, 1982. (*There was nothing about the military or European job experience in his application.*)
- ☑ Ramus divorced Marissa Ewing July 16, 1984 in Caldwell County, Texas while he resided at Pecan Park trailer park and Marissa resided in California.
- ☑ Ramus moved to Redwood near San Marcos, Texas.
- ☑ Ramus moved to 2511 South Old Bastrop Hwy, San Marcos 78666, 3/29/1989
- ☑ Chartwells, Inc. took over Southwest Texas State food contract from PFM when PFM owners divorced in 1996
- ☑ Ramus demoted to Sous-Chef January 18, 2001 for issues of hygiene, insubordination and laziness (**EXHIBIT-P**...*Chartwells, Inc. Demotion Letter to Ramus*)
- ☑ Ramus took leave of absence from his job with Chartwells, Inc., and unsuccessfully tried to sue Chartwells, pro se, for age and race discrimination.

Closing Comments

According to all the available evidence we believe that Nickolas George Ramus, Jr. is a pathological liar and a sociopath who, according to a retired FBI agent, has committed

aggravated perjury numerous times during official proceedings over the past eight years. According to his sister-in-law, Ramus was raised in a dysfunctional family and we believe he began violating the law at a young age. (*EXHIBIT-O...Email From Peggy Ramus, Sister-in-Law of Nickolas George Ramus*)

We believe Ramus got into trouble with the law when he was turning 18 and was given the option of going to jail or into the military in 1970. Ramus didn't last a year in the navy, received an Administrative Discharge, and probably got into trouble again with the law in California. Alex Saragosa, a former friend and associate of Ramus, wrote that at the age of 28, while living in Van Nuys, California, "*Ramus's behaviour such as, getting a 15 year old girl pregnant.*" We believe this crime is why Ramus fled to Texas.

Ramus came to Caldwell County, divorced his second common law wife still residing in California and later moved to San Marcos where he was hired as a cook by the husband/wife owners of Professional Food Management, aka PFM, and cooked meals for students at Southwest Texas State until he was demoted and had his salary reduced in January 2001.

Ramus has been convicted of several crimes in Hays County and his behavior has gotten progressively more violent towards others.

Ramus should be prosecuted for his aggravated perjury and sentenced to jail for the public safety and to serve justice under the law.

Charles O'Dell, Ph.D.
President
HaysCAN
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Austin, Texas 78737
512.288.4817 wk
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Exhibit-A

CERTIFICATE OF LIVE BIRTH

CERTIFICATE NUMBER: 146-1952-060096

DATE ISSUED: 06/20/2007

GIVEN NAMES: NICKOLAS GEORGE*****

LAST NAME: RAMUS*****

SUFFIX: JR.

DATE OF BIRTH: OCTOBER 21, 1952*****

FACILITY: SACRED HEART HOSPITAL

PLACE OF BIRTH: SPOKANE, SPOKANE COUNTY, WASHINGTON

SEX: MALE

MOTHER'S MAIDEN NAME: HATTIE MARY HOWARD

PLACE OF BIRTH: WASHINGTON

AGE: 21 YEARS

FATHER'S NAME: NICKOLAS GEORGE RAMUS

PLACE OF BIRTH: WASHINGTON

AGE: 23 YEARS

FILING DATE: 01/13/1953

FEE NUMBER: 4606124501



May 13, 2011

County man gets 8 years for perjury

By PAUL STONE Palestine Herald-Press

PALESTINE — A 29-year-old Tennessee Colony man who lied about his military service has been sentenced to eight years in the Texas Department of Criminal Justice following his punishment trial earlier this week.

Prior to this week's punishment trial, Jason Lynn Nichols, 29, of Tennessee Colony had pleaded guilty to two counts of aggravated perjury.

Aggravated perjury is a third-degree felony punishable by two to 10 years in prison and a fine not to exceed \$10,000.

On Aug. 4, 2009, authorities have said Nichols lied during a child custody hearing in Anderson County court-at-law when testifying about his military background.

During that hearing, Nichols testified he served in Iraq and Afghanistan and been awarded the Service Medal, a Bronze Star and three Purple Hearts, according to Elizabeth Watkins, assistant district attorney for Anderson County, who represented the state during the trial.

Nichols further testified he returned to the U.S. from his overseas service in 2005, according to Watkins.

Military records, however, indicated Nichols was admitted into the U.S. Army in April 2000 and discharged in July 2000 after just three months of service for "conduct" and "excessive absences," Watkins told the Herald-Press.

A back injury further diluted his service, with the state alleging that Nichols only actually had seven days of active duty.

In her closing argument, Watkins asked 349th State District Judge Pam Foster Fletcher to assess Nichols the maximum prison sentence of 10 years.

The defendant's attorney, Colin McFall, meanwhile, requested community supervision for his client.

Since he had no previous felony convictions, Nichols was eligible for probation in the case.

"Obviously, they had requested community supervision, but the court looked at, not just this offense but other bad acts by the defendant," Watkins told the Herald-Press.

During the punishment trial, the state introduced evidence showing that four protective orders had been issued against Nichols since 2005, with the most recent one obtained by his biological father this past December.

The state also produced evidence that Nichols had seven prior misdemeanor convictions, including assault-family violence.

A representative of the Anderson County Adult Community Supervision Department also testified that Nichols had not met bond terms set by the court by failing to report and leaving the county without the judge's permission.

Nichols and others testifying on his behalf during this week's trial had asked for leniency, saying he had made changes in his life over the past six months.

The state argued otherwise.

"Under the microscope for his behavior," Watkins said, "he still didn't do what the court asked him to do."

Watkins referred to Nichols as "a straightup con man," saying he had insulted real military heroes by weaving a fabric of consistent lies.

The assistant district attorney said her father served in the U.S. Marines, while her grandfather was awarded the Purple Heart for his service in the Korean War.

"Real men of honor don't brag about it," Watkins told the Herald-Press following the court's assessment of punishment. "They do their duty and they honor their country by being men of honor. This guy is no man of honor...I was happy that finally somebody else saw through what this guy was doing."

Following the pronouncement of his sentence, Nichols filed notice of intent to appeal the verdict, most likely to the 12th Court of Appeals in Tyler.

"The state's confident that this judgment will be upheld and he'll serve prison time," Watkins said.

Paul Stone may be contacted via e-mail at pstone@palestineherald.com

REPORTER'S RECORD
VOLUME 2 OF 4 VOLUMES
NO. 90,604

Exhibit-C

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THE STATE OF TEXAS) (IN THE COUNTY COURT
VS.) (AT LAW NO. 2 OF
NICHOLAS GEORGE RAMUS, JR.) (HAYS COUNTY, TEXAS

TRIAL BEFORE THE COURT

On the 27th day of April, 2010, the following proceedings came on to be heard in the above-styled and -numbered cause before the Honorable Linda A. Rodriguez, Judge presiding, held in San Marcos, Hays County, Texas:

Proceedings reported by computerized stenotype machine; Reporter's Record produced by computer-assisted transcription.

A P P E A R A N C E S:

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SBOT NO: 00795713
Mr. Edward Balderas
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-AND-
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FILED
MAY 12 2011
Third Court of Appeals
Jeffrey D. Kyle, Clerk

2011 MAY 12 PM 4: 15
JEFFREY D. KYLE, CLERK
THIRD COURT OF APPEALS

ORIGINAL

1 building a catering facility in '97, and it's still in
2 litigation whether or not I'm going to be able to open, but
3 since then I got injured and I've been living on veteran's
4 disability.

5 Q. Well, that draws me two ways. Let me talk about
6 being a veteran first. I take it you were a member of the
7 Armed Forces?

8 A. The United States Navy.

9 Q. And when was that?

10 A. That was '70, '71.

11 Q. 1970 and 1971?

12 A. Yes.

13 Q. So the Vietnam era?

14 A. Yes.

15 Q. And what was your duty?

16 A. I was a machinist mate nuclear, which means I was in
17 the process of being trained to operate the nuclear propulsion
18 systems on the submarines.

19 Q. So were you working directly on a submarine?

20 A. I hadn't gotten there yet; I was still in training.
21 You get a four-year college education in about six months and
22 then you -- from there you go six months on a nuclear reactor
23 in Idaho. And I had injured my eye when we went out to sea,
24 which caused a cataract and I was unable to pass the stringent
25 tests to continue in that profession. *NAVY*

1 Q. In terms of physical ability or in terms of
2 intellectual capacity?

3 A. No, just the physical ability. Because evidently the
4 cataracts around nuclear materials have a tendency to go
5 cancerous, so you get eye cancer. They don't want to pay for
6 that, so ...

7 Q. And which eye was it that was injured?

8 A. My left eye.

9 Q. And how was it injured?

10 A. It was -- I was in the engine room working on a pump
11 and a piece of metal threw up and hit me in the eye.

12 Q. And can you see out of that eye today?

13 A. No, not very well.

14 Q. A little bit of light, but nothing --

15 A. I see light but -- like, I can see the spots of light
16 but nothing else where the lights are.

17 Q. Is there anything else unique about your military
18 service that the Court should know?

19 A. Yes. I was -- I had a top-secret security clearance
20 for that job.

21 Q. And what -- what's involved in securing and getting a
22 top-secret security clearance?

23 A. You're researched by the FBI, and in 1970 dollars it
24 would cost a quarter of a million dollars.

25 Q. And why -- why would you need certified for top --

1 say it again? Top-secret?

2 A. Top-secret. We're working around nuclear reactors
3 and we're working around defense machinery that is highly
4 classified. In other words, after school we had to take our
5 books and walk them into a huge safe where they locked them
6 up.

7 Q. Almost like the evidence locker we were talking about
8 earlier?

9 A. Yeah. Only more tighter -- tighter security.

10 Q. Tighter than San Marcos P.D.?

11 A. Yeah. I'm afraid so.

12 Q. This FBI investigation, how long did that take?

13 A. It takes six months to a year.

14 Q. And how long did it take in your case?

15 A. They don't tell you. They just tell you whether or
16 not you've passed.

17 Q. And how old were you at that time?

18 A. When I got the news I was 19.

19 Q. Okay. And I'm assuming an honorable discharge; is
20 that correct?

21 A. Yes.

22 Q. And that was because of the disability with the eye?

23 A. Actually they gave me a choice. They could honor the
24 disability from the wound or I could go to -- but to do that I
25 had to go to the (unintelligible) patrol boats and spend a

1 you're saying that -- since that time have you ever fired --

2 A. I haven't fired a shotgun or a -- I haven't gone
3 hunting since then.

4 Q. And you're saying that you could only shoulder a
5 weapon with great pain?

6 A. With great pain.

7 Q. Could you actually do it?

8 A. There are some days I can. Most days, 90 percent of
9 the time, I can't -- physically can't do it.

10 MR. HIGGINS: Do we need to adjust that
11 microphone?

12 COURT REPORTER: Yes.

13 Q. (MR. HIGGINS) So on this date, September 5th, 2008,
14 you were on your own property, correct?

15 A. Yes.

16 Q. And I want to ask you one other preliminary question
17 before I get into that day.

18 At 19 you had a top-secret security clearance,
19 and since then has anything happened in your life that would
20 forfeit the credibility that you attained with that -- with
21 that FBI imprimatur of confidence?

22 A. No. It's very easy to lose it. If you get a
23 speeding ticket over a hundred miles an hour, you know, or a
24 DWI or any -- any arrest.

25 Q. So is it fair to say then that you've never been

1 charged with a crime?

2 A. No.

3 Q. Until this?

4 A. Until this.

5 Q. And you've never been convicted of a crime?

6 A. Never.

7 Q. In this state or any other state?

8 A. Never.

9 Q. In this country or any other country?

10 A. In this country or any other country.

11 Q. Okay. So your -- your one arrest in the history of
12 your life -- and how old are you today?

13 A. Fifty-seven.

14 Q. Your one arrest has been over this incident; is that
15 correct?

16 A. Correct.

17 Q. Let's go ahead and talk then about September 5th,
18 2008.

19 A. I was really concerned with my property and my septic
20 tank because --

21 Q. Let me stop you. I know there's a -- it's been a
22 long way to get here, and I know there's a strong impulse to
23 just say everything that you're feeling and thinking, but it's
24 better if we just work together on --

25 A. Okay.

Exhibit-D



National Personnel Records Center

Military Personnel Records, 9700 Page Avenue St. Louis, Missouri 63132-5100

June 30, 2008

HAYSCAN
14034 ROBINS RUN
AUSTIN, TX 78737

RE: Veteran's Name: RAMUS, Nickolas George
SSN/SN: ***102**
Request Number: 1-4585141095

Dear Sir or Madam:

Thank you for contacting the National Personnel Records Center. The military service information provided in this reply has been extracted from records on file at the Center and is released to you under the Freedom of Information Act (FOIA), as amended in 1974.

Nikolas George Ramus Jr. served in the Navy from November 9, 1970 to September 28, 1971.

If additional information is needed, the Privacy Act of 1974 requires the written consent (signature) of the individual to who the record pertains. If the individual is deceased we must have the written consent of the next of kin. The next of kin is defined as: unremarried widow or widower, son, daughter, father, mother, brother or sister.

If you have questions or comments regarding this response, you may contact us at 314-801-0800 or by mail at the address shown in the letterhead above. If you contact us, please reference the Request Number listed above. If you are a veteran, or a deceased veteran's next of kin, please consider submitting your future requests online by visiting us at <http://vetrecs.archives.gov>.

Sincerely,

JENNA BENZ
Archives Technician (3D)

Enclosure(s)



**We Value Our
Veterans' Privacy**

*Let us know if we have
failed to protect it.*

Wright Watson STEN-TEL

Brenda J. Wright

Rhonda Watson

April 28, 2003

Exhibit - E

Mr. Nickolas Ramus, Jr.
P.O. Box 1389
San Marcos, Texas 78667

Re: Civil No. A-02-058-JN
Nickolas Ramus, Jr. v. Chartwells, Inc.

Dear Mr. Ramus:

Enclosed please find the **Original Transcript** of your oral deposition taken **April 8, 2003**, in the above-styled Cause.

Please read and sign the transcript before a Notary Public, using the Changes and Signature pages at the end of the transcript for any additions or corrections.

After you have read and signed your transcript, please return the entire **Original Transcript** to our office within 30 days of receipt in the postage-paid, self-addressed envelope.

Sincerely,



Dustin McLean
Office Assistant

Enclosures

xc: Mr. Deke W. Bond
Job No. 030408LAW

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NICKOLAS RAMUS, JR.,)
 Plaintiff,)
))
VS.))
))
CHARTWELLS, INC.,)
 Defendant.)

CIVIL NO. A-02-058-JN

ORAL DEPOSITION OF
NICKOLAS RAMUS, JR.

April 8, 2003

Volume 1

ORAL DEPOSITION OF NICKOLAS RAMUS, JR.,

produced as a witness at the deposition of

16 Defendant, and duly sworn, was taken in the
17 above-styled and numbered cause on the 8th of April,
18 2003, from 11:25 a.m. to 7:07 p.m., before Leigh Anne
19 Williams, CSR in and for the State of Texas, reported
20 by machine shorthand, at the offices of Wright Watson
21 Sten-Tel, 1609 Shoal Creek Boulevard, Suite 202,
22 Austin, Texas, pursuant to the Federal Rules of Civil
23 Procedure.

24

25

WRIGHT WATSON STEN-TEL

(512) 474-4363

FAX (512) 474-8802