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“1) the defendant acted intentionally or recklessly, 2) the conduct was extreme and outrageous, 3) the actions of the defendant caused the plaintiff emotional distress, and 4) the emotional distress suffered by the plaintiff was severe.”²

THE DEFENDANT ACTED INTENTIONALLY OR RECKLESSLY

Counter Defendant acted intentionally when she gave false information to law enforcement regarding allegations of sexual abuse committed against her by Mr. Nguyen. Counter Defendant further acted intentionally when she provided false information to additional individuals that formed the basis of her First Amended Petition. There is no indication that Counter Defendant was coerced or threatened in any manner to concoct the false allegations she continues to make against Mr. Nguyen. It was Counter Defendant’s intent to falsely accuse Mr. Nguyen of some of the worst crimes imaginable, roundly condemned by the public, whose condemnation is reflected in the seriousness with which they are designated in the Texas Penal Code.³

Counter Defendant, throughout her First Amended Petition, accuses Mr. Nguyen of grooming and repeatedly sexually assaulting her from the time she was 14 years old. Counter Defendant alleges commission of multiple sexual assaults, occurring in myriad venues, including on student outings, on public school property, and at Mr. Nguyen’s home. Counter Defendant also accuses Mr. Nguyen of sex trafficking, claiming Mr. Nguyen “offered minor J.D. to a third-party for sexual purposes.”⁴

² *Id.* at 621.

³ *See generally* Tex. Pen. Code §§ 21.02, 21.11, 21.18, 21.19, 22.21, 43.25, 43.26

⁴ Plaintiff’s First Amended Petition and Jury Demand at 8, *John Doe et al. v. Rockport-Fulton ISD et al.*, No. 26-0085.

Texas law states, “A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.”⁵

In *Twyman*, the Texas Supreme Court likewise provided guidance on what constitutes recklessness with respect to infliction of emotional distress: “An actor is reckless when he ‘knows or has reason to know... of facts which create a high degree of risk of ... harm to another, and deliberately proceeds to act, or fails to act, in conscious disregard of, or indifference to that risk.’”⁶

There can be no doubt that Counter Defendant was aware that the result of her false accusations carried a substantial and unjustifiable risk that Mr. Nguyen would face serious civil and criminal action. Counter Defendant was aware of such substantial and unjustifiable risk, consciously disregarded said risk, and violated the general duty of ordinary care she owed to Mr. Nguyen. That duty of ordinary care demanded that Counter Defendant act as a reasonably prudent person to avoid causing foreseeable harm to Mr. Nguyen.⁷ As has been demonstrated, Counter Defendant’s actions of making false allegations caused harm to Mr. Nguyen that any reasonable prudent person would foresee. That harm has thus far manifested in Mr. Nguyen’s arrest, imposition of damaging bond conditions, loss of Mr. Nguyen’s job, filing of a civil suit, and Mr. Nguyen’s public humiliation.

⁵ Tex. Pen. Code § 6.03(c).

⁶ *Twyman v. Twyman*, 855 S.W.2d 619, 624 (Tex. 1993) (quoting Restatement (Second) of Torts § 500, cmt. a).

⁷ Restatement (Second) of Torts § 281.

THE CONDUCT WAS EXTREME OR OUTRAGEOUS

“To be extreme and outrageous, conduct must be ‘so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.’”⁸ Mr. Nguyen is confident that falsely accusing someone of pedophilia is “outrageous in character,” “goes beyond all possible bounds of decency,” and is “regarded as atrocious and utterly intolerable in a civilized community.” The public comments directed at Mr. Nguyen by members of the community confirm Mr. Nguyen’s analysis.

THE ACTIONS OF THE DEFENDANT CAUSED THE PLAINTIFF EMOTIONAL DISTRESS

As a result of the intentional acts by Counter Defendant of falsely accusing Mr. Nguyen of sexually-assaultive offenses, Mr. Nguyen has had his life turned upside down. Mr. Nguyen was forced to spend ten thousand dollars (\$10,000.00) for a bond to be released from confinement. It then became necessary for Mr. Nguyen to hire attorneys, costing him additional significant sums of money. The imposed bond conditions under which Mr. Nguyen was released from confinement include a provision that mandates he submit to random drug and alcohol screening by provision of urine samples. Mr. Nguyen is forced to pay the costs associated with collecting and analyzing said samples. Adding to the stress and impact of these unwarranted financial burdens is the fact that Counter Defendant’s false allegations were the direct cause of Mr. Nguyen losing his six-figure dream job.

⁸ *GTE Southwest, Inc. v. Bruce*, 998 S.W.2d 605, 611 (Tex. 1999) (quoting *Natividad v. Alexis, Inc.*, 875 S.W.2d 695, 699 (Tex. 1994) & *Twyman v. Twyman*, 855 S.W.2d 619, 621 (Tex. 1993)).

Far worse than the financial impacts of Counter Defendant's reckless false allegations are the bond conditions that rob not only Mr. Nguyen of the ordinary joys of fatherhood, but more importantly the rights of his children and wife to enjoy the benefit of a fully present, engaged, loving father and husband. These expectations permeate the entirety of Mr. Nguyen's family, including his siblings, parents, and in-laws. Counter Defendant's actions have destroyed these basic benefits of familial life.

Mr. Nguyen has been blessed with four children, all of which are still minors that live at home with Mr. Nguyen and his wife. Due to Mr. Nguyen's bond conditions, he is unable to accompany his children to a movie theater, park, public swimming pool, or any other place that children may normally congregate. Mr. Nguyen has spent his entire life enjoying the outdoors, and Counter Defendant's false allegations have essentially stolen from him the opportunity to experience with his children the activities that enhanced his own childhood. Mr. Nguyen is even prohibited from taking his children to any beach.

The negative impacts to Mr. Nguyen's life caused by Counter Defendant's false allegations have resulted in severe emotional distress to Mr. Nguyen. Mr. Nguyen has experienced uncontrollable emotional outbursts, marked by spontaneous crying fits and episodes of complete loss of emotional control. Prior to the false allegations made by Counter Defendant, Mr. Nguyen had no similar experiences.

Mr. Nguyen has experienced major disruptions to his sleep patterns, including insomnia, nightmares that have invoked violent reactions, and inability to sleep peacefully and restfully. Mr. Nguyen has also experienced appetite shifts, rapidly losing and gaining weight. It has become

necessary for Mr. Nguyen to seek medical care through the Veterans Administration to ameliorate these concerns.

Mr. Nguyen's mental state has descended to the point where he has harbored suicidal thoughts and contemplations. The fear and uncertainty that has been cast upon Mr. Nguyen has caused him to fall into deep depression, allowing a level of despair to overtake him that has even manifested itself by Mr. Nguyen disposing of once-valued possessions, indicating a lack of Mr. Nguyen's belief in the future.

Observations by those closest to Mr. Nguyen have indicated a shift in his demeanor. Mr. Nguyen has become increasingly quick-tempered, which is a trait formerly unassociated with Mr. Nguyen. Mr. Nguyen has withdrawn a great deal of his outward affection toward his wife and children. There is an indication that Mr. Nguyen has become more emotionally and socially isolated as well, expressed by a sharp decrease in adult conversation and interactive activities with his children.

THE EMOTIONAL DISTRESS SUFFERED BY THE PLAINTIFF WAS SEVERE

It is difficult, if not impossible, to divorce this element from the analysis of the previous element. Demonstration of the severity of the emotional distress suffered by Mr. Nguyen as a direct result of Counter Defendant's actions is clearly stated above.

DAMAGES

Mr. Nguyen seeks monetary damages from Counter Defendant in the form of economic damages, exemplary damages, compensatory damages, future damages, and noneconomic damages, as defined in the Texas Civil Practice & Remedies Code.⁹

Mr. Nguyen's economic damages include the sums he has paid and may pay for the attainment of bail bonds, costs associated with litigation other than attorney's fees, and loss of his job that compensated him \$103,000 annually.¹⁰ Mr. Nguyen hereby pleads five hundred fifty thousand dollars (\$550,000.00) in economic damages. This total is calculated as follows:

- | | |
|--|----------------|
| 1) \$103,000.00/year professional compensation X 5 years | = \$515,000.00 |
| 2) Bail bonds | = \$10,000.00 |
| 3) Other Litigation Costs | = \$25,000.00 |

Mr. Nguyen's noneconomic damages include compensation for his mental and emotional pain and anguish, loss of companionship and society, loss of enjoyment of life, and injury to reputation.¹¹ Mr. Nguyen hereby pleads five hundred thousand dollars (\$500,000.00) in noneconomic damages.

Mr. Nguyen seeks exemplary damages under the Code as well.¹² Mr. Nguyen pleads that the harm he continues to suffer at the hands of Counter Defendant results from gross negligence. Chapter 41 defines gross negligence as:

⁹ Tex. Civ. Prac. & Rem. Code 41.

¹⁰ Tex. Civ. Prac. & Rem. Code 41.001(4).

¹¹ Tex. Civ. Prac. & Rem. Code 41.001(12).

¹² Tex. Civ. Prac. & Rem. Code (5).

“an act or omission: (A) which when viewed objectively from the standpoint of the actor at the time of its occurrence involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and (B) of which the actor has actual, subjective awareness of the risk involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others.”¹³

The recklessness standard applied in *Twyman*¹⁴ is actually a higher standard gross negligence (meaning it requires more egregious conduct on the part of the actor), but it essentially incorporates the same elements with slightly altered verbiage. There is an extreme risk, high probability of harm, awareness of that harm, and the actor proceeds anyhow with conscious indifference for the impact of those actions on another.

As stated above, Counter Defendant knew the extreme risk that Mr. Nguyen would face serious penalties as a result of her false allegations. Counter Defendant, at the age of seventeen at the time of her false allegations, possessed actual, subjective awareness of said risk, and proceeded anyhow, with conscious indifference to Mr. Nguyen’s welfare and right not to be falsely accused.

Because of Counter Defendant’s gross negligence, Mr. Nguyen is entitled to exemplary damages.¹⁵ Mr. Nguyen feels strongly that Counter Defendant’s conduct must be met with severe penalty. A stern lesson must be taught, to deter such egregious conduct from reoccurring. Mr. Nguyen feels the imposition of exemplary damages is the best tool available to this Court to condemn this conduct and deter similar future conduct by Counter Defendant. Mr. Nguyen hereby

¹³ Tex. Civ. Prac. & Rem. Code 41.001(11).

¹⁴ *Twyman v. Twyman*, 855 S.W.2d 619, 624 (Tex. 1993).

¹⁵ Tex. Civ. Prac. & Rem. Code 41.003(a)(3).

pleads the maximum exemplary damages in this suit for one million six hundred thousand dollars (\$1,600,000.00).¹⁶

CONCLUSION

Mr. Nguyen returned to his hometown of Rockport, Texas in 2016. Mr. Nguyen's passion is teaching, and in 2021 he was able to secure a teaching job at his alma mater, Rockport-Fulton High School. Having a clear knowledge of the needs of the youth in Aransas County with respect to finding gainful employment post-graduation, Mr. Nguyen conceived the idea to establish the Maritime Club, which offered opportunities to high school students to gain knowledge of maritime concepts, enjoy activities and outings, and build camaraderie within a structure that develops leadership skills. Mr. Nguyen leveraged his ten years in the Coast Guard, sharing the knowledge and skills with students that he acquired through his military service.

The special duty that teachers owe their students is unquestioned. Students are impressionable and vulnerable, and the respect and admiration that students often have for their teachers creates a bond of trust. Mr. Nguyen embraces that dynamic, understanding without reservation the responsibility imparted to and expected of him. What has been overlooked and underappreciated in the instant controversy is the duty Counter Defendant owed to Mr. Nguyen – to not harm him, his family, his reputation, and his livelihood through false allegations of sexual abuse. Mr. Nguyen did not fail Counter Defendant; the opposite is true.

Counter Defendant's actions surrounding her false allegations of Mr. Nguyen are the actual and proximate cause of the severe emotional distress suffered by Mr. Nguyen. Counter

¹⁶ Tex. Civ. Prac. & Rem. Code 41.008(b).

Defendant's actions were intentional. Every element of the Intentional Infliction of Emotional Distress cause of action under *Twyman*¹⁷ has been met, and Mr. Nguyen seeks judgment and recovery for same.

PRAYER

Mr. Nguyen prays that the Court considers and grants the relief requested in his Counterclaim. Mr. Nguyen requests the recovery of all pleaded damages, including reasonable and necessary attorney fees.

Respectfully submitted,

/s/ Matt Ocker

Matt Ocker

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CERTIFICATE OF SERVICE

I certify that on June 24, 2026 a true and correct copy of Defendant's Counterclaim was served on each person listed below by the method indicated.

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¹⁷ *Twyman v. Twyman*, 855 S.W.2d 619, 621 (Tex. 1993).

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