

Filed  
07 August 13 P1:42  
Vivian Wood  
District Clerk  
Midland District

CAUSE NO. CV-44964

HALLIBURTON ENERGY SERVICES, INC.; and HALLIBURTON GROUP CANADA

Plaintiffs,

v.

PACKERS PLUS ENERGY SERVICES, INC.; PACKERS PLUS ENERGY SERVICES, INC. USA; PACKERS PLUS ENERGY SERVICES (U.S.A.) LIMITED PARTNERSHIP; DANIEL THEMIG; PETER KRABBE; and KENNETH PALTZAT

Defendants.

IN THE DISTRICT COURT OF

MIDLAND COUNTY, TEXAS

JURY TRIAL DEMANDED

238th JUDICIAL DISTRICT

PLAINTIFFS' FOURTH AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT

COMES NOW HALLIBURTON ENERGY SERVICES, INC. and HALLIBURTON GROUP CANADA and files this Third Amended Petition against PACKERS PLUS ENERGY SERVICES, INC., PACKERS PLUS ENERGY SERVICES, INC. USA, PACKERS PLUS ENERGY SERVICES (U.S.A.) LIMITED PARTNERSHIP, DANIEL THEMIG, PETER KRABBE and KENNETH PALTZAT, and for causes of action would respectfully show the Court as follows:

I.

DISCOVERY PLAN

1. Discovery in this lawsuit is intended to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

1114-01/1002.0010

**II.**  
**PARTIES**

2. Plaintiff HALLIBURTON ENERGY SERVICES, INC. is a Delaware corporation and is duly authorized to conduct business in the State of Texas. Halliburton Energy Services, Inc. has a principal and home office in Houston, Texas.

3. Plaintiff HALLIBURTON GROUP CANADA is a partnership organized under the laws of Canada and has a principal place of business in Calgary, Alberta. Halliburton Group Canada is an affiliate of Halliburton Energy Services, Inc.

4. Defendant PACKERS PLUS ENERGY SERVICES, INC. (hereinafter "Packers Plus Canada") is a federal corporation organized under the laws of Canada. Packers Plus Canada has a principal place of business in Canada at 1420, 311 - 6<sup>th</sup> Avenue SW, Calgary, Alberta T2P 3H2, and may be served through one its principals at the above address.

5. Defendant PACKERS PLUS ENERGY SERVICES, INC. USA (hereinafter "Packers Plus USA") is a Delaware corporation and is registered to conduct business in Texas. Packers Plus USA has a principal place of business at 2047 Commerce, Midland, Texas 79703, and may be served through its registered agent, C.T. Corp. Systems at 1021 Main Street, Suite 1150, Houston, Texas 77002.

6. Defendant PACKERS PLUS ENERGY SERVICES (U.S.A.) LIMITED PARTNERSHIP (hereinafter "Packers Plus Texas") is a Texas Limited Partnership that had a principal place of business at 2047 Commerce, Midland, Texas 79703. Upon information and belief, Packers Plus Texas was dissolved on January 6, 2005. Packers Plus Texas may be served through one of its partners, including DANIEL THEMIG, PETER KRABBEN or KENNETH PALTZAT, located at the addresses set forth in paragraphs 7-9 below.

7. Defendant DANIEL THEMIG is an individual who resides in Canada, and may be served at his place of business at 1420, 311 – 6<sup>th</sup> Avenue SW, Calgary, Alberta T2P 3H2.

8. Defendant PETER KRABBEN is an individual who resides in Canada, and may be served at his place of business at 1420, 311 – 6<sup>th</sup> Avenue SW, Calgary, Alberta T2P 3H2.

9. Defendant KENNETH PALTZAT is an individual who resides in Canada, and may be served at his place of business at 1420, 311 – 6<sup>th</sup> Avenue SW, Calgary, Alberta T2P 3H2.

10. On or around May 1, 2004, Defendant DANIEL THEMIG executed an affidavit that states, in pertinent part: "In 2003, formal operations [of Packers Plus Canada] were set up and an office opened in Midland, Texas . . . . At that time we incorporated a Delaware company as a wholly owned subsidiary of Packers Plus [Canada] (called Packers Plus Energy Services, Inc. USA, hereinafter 'Packers Plus USA') and a Texas limited partnership (Packers Plus Energy Services LLP, hereinafter 'Packers Plus LLP') in which the partners are Packers Plus USA, myself directly and Peter Krabben and Ken Paltzat beneficially. The ownership and control of all three entities are ultimately the same." (See Exhibit 1—Affidavit of Dan Themig at paragraph 8).

11. Defendants PACKERS PLUS ENERGY SERVICES, INC., PACKERS PLUS ENERGY SERVICES, INC. USA and PACKERS PLUS ENERGY SERVICES (U.S.A.) LIMITED PARTNERSHIP are collectively referred to as "Packers Plus." Defendants DANIEL THEMIG, PETER KRABBEN and KENNETH PALTZAT are collectively referred to as "Themig *et al.*"

### III.

#### JURISDICTION AND VENUE

12. This Court has jurisdiction over Packers Plus and Themig *et al.* as they regularly engage in business in Texas. Further, this Court has jurisdiction over Packers Plus and Themig *et al.* because the unlawful activities of Packers Plus and Themig *et al.* occurred, in part, in Texas. All three entities that comprise Packers Plus have conceded that this Court has jurisdiction over them. The amount in controversy exceeds the minimum jurisdictional limits of the Court.

13. This Court has jurisdiction over Mr. Themig, in part, because he has made regular and numerous business trips to Texas, at least some of which substantially relate to the subject matter of this litigation. Mr. Themig has spent significant amounts of time in Texas conducting business since 2001. At least some of these trips, if not the majority, involved efforts to sell the Rockseal line of packers that have certain features which were conceived by Mr. Themig while he was employed by Plaintiffs but not disclosed to Plaintiffs. Additionally, upon information and belief, at least some of these trips involved efforts to sell products that embodied other confidential information owned by Plaintiffs. These sales efforts in Texas resulted in harm to Plaintiffs through loss of sales of products and services. Thus, at least some of Mr. Themig's trips to Texas are substantially related to the claims in this litigation.

14. Mr. Themig was also aware of and took part in Packers Plus's efforts to market in Texas the Rockseal line of packers and other products embodying confidential information owned by Plaintiffs. Mr. Themig was the President of Packers Plus USA, which was the general partner of Packers Plus Texas. Packers Plus Texas had an established place of business in Texas from around 2003 until around January 2005. Packers Plus USA has had an established place of

business in Texas since at least January 2005. Packers Plus USA is engaged in the business of selling the Rockseal line of packers and other products embodying misappropriated confidential information owned by Plaintiffs. Packers Plus Texas was engaged in the business of selling the Rockseal line of packers and other products embodying misappropriated confidential information until it ceased operations around January 2005. Mr. Themig participated in the management and operations of Packers Plus USA and Packers Plus Texas and took part in directing their activities in Texas. Mr. Themig was also a member of the "management team" that directed all of Packers Plus's Texas operations. Mr. Themig directed Packers Plus's activities toward Texas while knowing that one or more product lines being marketed in Texas were unlawfully developed through the use of Halliburton Energy Services, Inc.'s confidential information. Thus, this Court has specific jurisdiction over Mr. Themig based on Mr. Themig's own contacts with Texas and based on those of Packers Plus, which are attributable to Mr. Themig by virtue of his participation in its management and his actual and/or constructive knowledge that one or more Packers Plus product lines were created through unlawful activities. At least some of those Texas contacts involve marketing and sales of products developed through the unlawful activities complained of in this litigation. Based on the above and other facts, this Court has both general and specific jurisdiction over Mr. Themig.

15. This Court has jurisdiction over Mr. Paltzat because he has made regular and numerous business trips to Texas, at least some of which substantially relate to the subject matter of this litigation. Mr. Paltzat has spent significant amounts of time in Texas conducting business since at least 2004. At least some of these trips, if not the majority, involved efforts to sell the Rockseal line of packers. Additionally, upon information and belief, at least some of these trips involved efforts to sell products that embodied other confidential information owned by

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.