

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

CAUSE NO.: 2019-CI-12058

CHRISTOPHER HOFFMAN § IN THE DISTRICT COURT
v. § 45th JUDICIAL DISTRICT
MOISES ORTIZ § BEXAR COUNTY, TEXAS

FIRST AMENDED PETITION

TO THE HONORABLE COURT:

COMES NOW the Petitioner, CHRISTOPHER HOFFMAN, and makes and files this First Amended Petition, and will show:

I. DISCOVERY

1. This suit seeks monetary relief and non-monetary relief. Therefore, discovery is intended to be conducted under Level 2 of TEX. R. CIV. P. 190.

II. PARTIES

Petitioner

2. **CHRISTOPHER HOFFMAN** (“Petitioner”), is a Bexar County resident, whose information is as follows:

Date of Birth:	02/05/1966
Last 3 of SS#:	320
Last 3 of DL#:	514 (Texas)

Respondent

3. **MOISES ORTIZ** (“Respondent”) is a Bexar County resident whose information is:

Date of Birth:	07/02/1967
Last 3 of SS#:	898
Last 3 of DL#:	191 (Texas)

4. Respondent may be served through his attorney of record.

III. JURISDICTION & VENUE

5. This Court has jurisdiction to hear this case because, at the time this suit was filed, all parties had been residents of Texas for at least six months and had been residents of and domiciled in Bexar County for at least 90 days.

IV. BASIS OF SUIT

6. This suit is brought under the Texas Declaratory Judgment Act, and separately, as a divorce action.
7. Petitioner and Respondent, both men, were married without formalities on or about February 14, 1996. The parties agreed to be married; after their agreement they lived together in Texas as spouses, and represented to others they were married.
8. Petitioner and Respondent stopped living together as spouses on or about October 1, 2018. This suit was brought within two years of the parties no longer living together as spouses.
9. The marriage between the parties has become insupportable because of conflict or discord of personalities which destroy the legitimate ends of the marriage without any expectation for reconciliation. Further, Respondent is guilty of adultery and cruelty towards Petitioner.
10. There exists property the parties acquired during the marriage and currently own – including a sizable retirement benefit from Respondent's employer. Also, the parties, as spouses, may be entitled to governmental benefits now or in the future based on their status as marriage, and possible, as potential former spouses.

11. Petitioner is not willing to execute a declaration of informal marriage, and now denies a marriage exists at all – leaving the rights, status, and legal relations of the parties uncertain and in dispute. Therefore, Petitioner applies to this court for relief.

V. REQUEST FOR DECLARATORY JUDGMENT

12. Pursuant to TEX. CIV. PRAC. & REM. CODE § 37.003, Petitioner requests the Court declare the rights, status, and/or other legal relations between the parties.

13. Specifically, Petitioner requests the Court render a declaratory judgment:

- a. Declaring Petitioner and Respondent were and are married, and declare the date on which the parties were married; and
- b. Declaring Petitioner entitled to all rights and privileges, which may be allowed by law, the same as any other former spouse.

14. The requested declaratory judgment would terminate the uncertainty or controversy giving rise to this proceeding.

VI. GROUNDS FOR DIVORCE

15. Petitioner sues to have the marriage between the parties dissolved, and requests he be granted a divorce, on the following grounds:

- a. Insupportability (no-fault); and
- b. Respondent is guilty of:
 - i. Adultery; and
 - ii. Cruel treatment toward Petitioner of a nature that renders further living together insupportable.

VII. NO CHILDREN OF THE MARRIAGE

16. No children were born or adopted during the marriage, and none are expected.

VIII. SPOUSAL MAINTENANCE

17. Petitioner and Respondent have been married for almost 25 years, and due to illness, Petitioner currently lacks the ability to earn sufficient income to provide for the his minimum reasonable needs. Therefore, Petitioner is eligible to receive spousal maintenance from Respondent pursuant to TEX. FAM. CODE § 8.051(2)(B).

18. Petitioner requests the Court order Respondent to pay spousal maintenance and take into consideration the factors set forth in TEX. FAM. CODE § 8.052, for a duration of time long enough to allow Petitioner to recover from his illness and obtain suitable employment.

IX. DIVISION OF MARITAL ESTATE

19. Petitioner requests marital estate be divided in a manner the Court determines is just and right. Petitioner requests he be awarded a disproportionate share of the marital estate given the conduct of the parties and fault for the breakup of the marriage; namely, Respondent's adultery and cruel treatment towards Petitioner.

X. REQUEST FOR TEMPORARY ORDERS

20. Temporary orders have already been rendered in this case and in effect.

XI. PROTECTIVE ORDER STATEMENT

21. There is currently no protective order issued concerning the parties, and one is not requested at this time.

XII. PLEADINGS IN THE ALTERNATIVE

22. Pursuant to TEX. R. CIV. P. 48, all pleadings, causes of action, and theories for recovery or relief are brought in the alternative to one another.

XIII. ATTORNEY'S FEES, COSTS & EXPENSES

23. Petitioner requests the Court award him all attorney's fees, costs, and expenses pursuant to TEX. FAM. CODE § 6.708(c), TEX. CIV. PRAC. & REM. CODE § 37.009 and as allowed by TEX. R. CIV. P. 131 and 141.

XIV. PRAYER

WHEREFORE, Petitioner prays Respondent be cited to answer herein, for the court to hold hearing to consider the temporary orders requested herein, and upon final hearing, for all relief requested herein, along with all reasonable and necessary attorney's fees as allowed by the Texas Family Code, and all costs of court.

Respectfully submitted,

THE NICHOLS LAW FIRM, PLLC



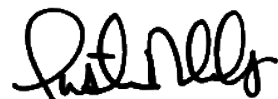
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ATTORNEYS FOR PETITIONER

Certificate of Service

I certify a true and correct copy of the foregoing instrument was served upon all parties/attorneys of record in accordance with TEX. R. CIV. P. 21a on **January 22, 2021**.

VIA E-FILE

Hector Garza, Jr., Esq.
Attorney for Wife



JUSTIN P. NICHOLS