

CAUSE NO. _____

CHARLEEN MCCRORY HILL,	§	IN THE DISTRICT COURT
INDEPENDENT EXECUTOR	§	
OF THE ESTATE OF JOE M. HILL, AND	§	
CHARLEEN MCCRORY HILL,	§	
TRUSTEE OF THE JOE M. HILL	§	
MARITAL TRUST AND CHARLEEN	§	
MCCRORY HILL, INDIVIDUALLY	§	
PLAINTIFFS,	§	
	§	
VS.	§	_____ JUDICIAL DISTRICT
	§	
DOMINQUE KENDALL ESTATE	§	
SALES AND DOMINQUE KENDALL,	§	
INDIVIDUALLY, THOM ANDERSON,	§	
CIRCLE A DESIGNS, LLC, AND	§	
THE GILDED MONKEY	§	
DEFENDANTS.	§	HARRIS COUNTY, TEXAS

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

ON THIS DAY PERSONALLY APPEARED, **GEOFFREY MENIN**, who testified on oath as follows:

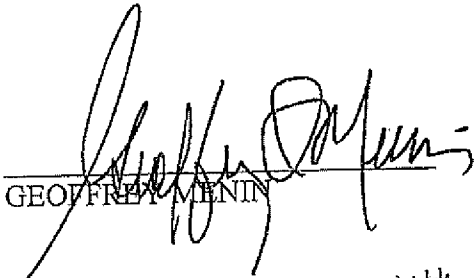
“My name is Geoffrey Menin. I am over 18 years of age and I am of sound mind and capable of making this affidavit. All matters to which I swear hereafter are based on my personal knowledge and are true and correct.”

“I am an attorney and I represent Charleen McCrory Hill, also known as “Chuck.” Chuck had been married to Joe M. Hill, better known as “Dusty.” Dusty died on July 28, 2021. Chuck is the Executor of Dusty’s estate and Trustee of the marital trust he had created before he passed. Dusty had been one of the founders and long-time members the Texas based country rock band known as ZZ TOP.”

“On or about June 8, 2022, we were first advised that an auction sale had been scheduled of a number of items from “Dusty’s Estate.” We learned that the sale as being promoted on television, the internet and otherwise. Chuck had even received an unsolicited call from her banker. Such sale was also being promoted using the reference to ZZ TOP. Chuck had not asked to nor had she authorized the use of either reference to Dusty’s Estate or ZZ TOP’s logo. When learning that such was being done she was very upset, felt abused and violated and wanted to stop such sale.”

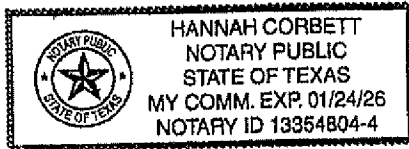
"I wrote two letters to the only names that appeared on the promotional materials. Such letters are attached hereto as exhibits. I also called 3 times to the numbers listed. I did not receive any response to the letters or calls."

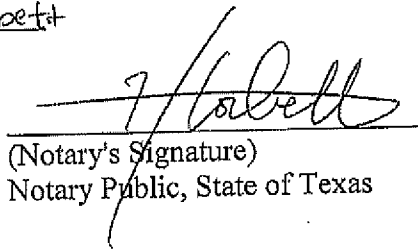
FURTHER AFFIANT SAYETH NOT.


GEOFFREY MENIN

The State of Texas County of Montgomery Subscribed and sworn to before me on this 14th day of June, 2022 by Hannah Corbett

(Seal)




(Notary's Signature)
Notary Public, State of Texas

C

LEVINE PLOTKIN
& MENIN LLP

Loren H. Plotkin
Conrad M. Rippy
Susan Mindell
Kim G. Scheffer
Daniel P. Watkins

Jasmine M. Kaufman
Emily Frstling
Kevin C. Hess

Attorneys at Law

888 Seventh Avenue, 10th Floor, New York, N.Y. 10106
(212) 245-6565 • Fax (212) 245-8683

Robert F. Levine
Founder

Geoffrey D. Menin
Thomas O. Criswell IV
Stuart W. Goldstein
Stacy J. Grossman
Counsel

VIA EMAIL

Thom Anderson

(andersonthom@yahoo.com)

Dominique Kendall

(dominiquekendallestatesaleservices.com)

June 7, 2022

Re: Estate Sale/Dusty Hill

Dear Ms. Kendall and Mr. Anderson:

We represent the family and Estate of Dusty Hill.

Late yesterday afternoon, our client was made aware of a CultureMap article appearing on the ABC 13 website which stated that the family of Dusty Hill was planning an estate sale (the "Sale") of various items purportedly owned by Dusty during his lifetime. Our calls to the writer of the piece, Steve Devadanam, revealed that he had been misled about the Sale, currently scheduled to occur at The Guilded Monkey Market between June 11th and 15th. In response to our inquires, ABC 13 News provided us with a press release sent out by the two of you, which indicates that there is also an "Opening Night Reception and Presale" on June 9th. In addition to the CultureMap piece, the sale has been advertised to the public through (i) an ABC 13 segment on television which inaccurately portrayed the Sale as originating with Dusty Hill's family, and (ii) advertising on EstateSales.net which characterized the Sale as related to the "Estate of Dusty Hill."

As you well know, the family and Estate of Dusty Hill have absolutely nothing to do with the Sale. Furniture from a house the Hill family sold over 15 years ago has been proffered by unrelated individuals who purchased the house and certain contents from them. A review by our client of items pictured yesterday on the EstateSales.net website revealed that a substantial number of the items you are offering for sale were never owned by the Hills. So in addition to misrepresenting the "family" origin of the sale, you are also misrepresenting the provenance of many items in the collection.

Please be advised that your actions and the surrounding publicity constitute a violation of Chapter 26 of the Texas Property Code (unauthorized use of a deceased individual's name in connection with advertising products, merchandise or goods) and a material violation of our client's rights, for which you shall be held fully liable. The fact that, after we brought the issue to

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Mr. Devadanam's attention, Thom Anderson issued a top line note indicating that a "clerical error" led to the inaccuracies in the CultureMap article does not remediate the damage done, or the misrepresentation of the origin of the Sale, which have reached countless fans as well as the management of the band, who were also misled to our client's detriment.

Furthermore, changing the EstateSales.net description of the sale from the "Estate of Dusty Hill" to "Estate Sale – many contents that once belonged to Dusty Hill of ZZ Top" does not undo the representations made to interested attendees who plan to attend the Sale based on the prior advertisement as being specifically related to, and undertaken by, the Estate of Dusty Hill.

Under Texas Property Code section 26.013, a person who uses a deceased individual's name in an unauthorized manner (as you have in connection with advertising merchandise/goods in connection with the Sale) is liable for damages sustained as a result of the unauthorized use, the amount of any profits from the unauthorized use that are attributable to that use, exemplary damages and reasonable attorney's fees and expenses and court costs incurred with recovering the damages and profits. Given the prior advertising of the Sale as being undertaken by, and directly related to, the Estate of Dusty Hill and containing the unauthorized use of Dusty Hill's name, conducting the Sale on the advertised date and time (even under the revised description) would result in each of you, as well as the sellers of the property, profiting from the unauthorized use of Dusty Hill's name and, as noted above, it is our client's intention to hold each of you fully liable for this violation of Texas law should you choose to proceed with the Sale as scheduled.

Demand is hereby made that you:

1. Cease and desist from proceeding with the Sale at this time, and that you confirm to the undersigned promptly in writing that you shall do so. The Sale is tainted, and this cannot be remedied by a few allegations of "clerical error."
2. Agree that the Sale shall happen at another time, if at all, and that it shall then be promoted in a manner which is accurate and not misleading.
3. Send written notice to every party who received your press release (or any other similar notice) indicating that: (i) the family and Estate of Dusty Hill are in no way affiliated with or connected to the proposed sale; (ii) the Sale is being postponed to some date in the future. Please promptly confirm to the undersigned that you shall do so and provide a copy of the notice to the undersigned.

Should you fail to accede to these demands on or before the close of business tomorrow, Wednesday June 8, our client has instructed us to take any and all action which we deem necessary to protect and enforce their rights to the fullest extent of the law. We have copied our client's estate counsel in Houston.

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This letter is without prejudice to the rights and remedies of our client in the premises, all of which are hereby specifically reserved.

Very truly yours,


Geoffrey D. Menin

CC:
Charleen Hill
Jerry Scroggins
Amanda Gyszly

From: Geoffrey Menin

Sent: Wednesday, June 08, 2022 11:26 AM

To: andersonthom@yahoo.com; dominiquekendallsales@gmail.com

Cc: Jerry M. Scroggins (jscroggins@fizerbeck.com) <jscroggins@fizerbeck.com>; Barry Flynn <bflynn@grsm.com>

Subject: ZZ Top / Estate Sale

Ms. Kendall / Mr. Anderson – The attached article (below) appeared this morning in the Fort Bend newspaper.

Not in a million years would our client launch a sale of memorabilia – or any other personal property owned by the family – at the first anniversary of Dusty’s death. Your actions and the surrounding publicity have resulted in incalculable pain and suffering for Dusty’s wife, and substantial damage to her reputation. This morning, a banker friend of hers called to see if she was in financial distress because he saw this article about the sale.

Demand is made that you immediately cancel this sale and advise the undersigned you have done so. We expect your response no later than noon Central time. The demands in our prior letter are reiterated herein.

Local Houston litigation attorney Barry Flynn (copied) will be working with us moving forward. Please copy him on any response.

This email is without prejudice to our client’s rights and remedies in the premises, all of which are hereby specifically reserved.

- Geoffrey Menin

Geoffrey D. Menin, Counsel

**LEVINE PLOTKIN
& MENIN LLP**

888 Seventh Avenue, 10th Floor

New York, NY 10106

Tel: (212) 245-1741 Fax: (212) 245-8683

Web: www.lpmny.com

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Fort Bend



FOOTBALL COUNTY

HIGH SCHOOL SOCCER

ZZ Top memorabilia heads to auction block

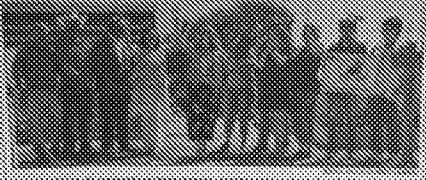


Fort Bend County... soccer... players... game...



ZZ Top band members...

Open for bees-ness



People gathered for a beekeeping event...

Reward offered for missing railroader security dog

A reward is being offered for information regarding a missing security dog...

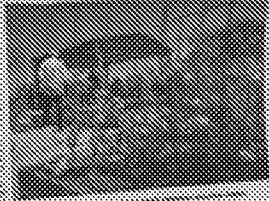
Fort Bend Journal

Account the Dead

Obituary

Fort Bend County Member Council members visit gardens

Members of the Fort Bend County Member Council visited local gardens...



Members of the Fort Bend County Member Council...

RFD investigates each of arm thefts at local country

The Rural Fire Department is investigating a series of arm thefts...

Library to host multicultural festival

The local library is set to host a multicultural festival...

