

CAUSE NO. \_\_\_\_\_

**CARLOS GUIMARAES AND  
JEMIMA GUIMARAES**

*Plaintiffs,*

vs.

**CHRISTOPHER SCOTT BRANN**

*Defendant.*

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**IN THE DISTRICT COURT**

**HARRIS COUNTY, TEXAS**

\_\_\_\_\_ **JUDICIAL DISTRICT**

**PLAINTIFFS' ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiffs, CARLOS GUIMARAES AND JEMIMA GUIMARAES, and file this Original Petition, complaining of CHRISTOPHER SCOTT BRANN (“Defendant”), and respectfully shows the following:

**I. DISCOVERY CONTROL PLAN**

1. Pursuant to TEX. R. CIV. P. 190.4, Plaintiffs request discovery be conducted under a Level 3 discovery control plan.

**II. PARTIES**

- 2. CARLOS GUIMARAES currently resides in Harris County, Texas.
- 3. JEMIMA GUIMARAES currently resides in Harris County, Texas.
- 4. Defendant CHRISTOPHER SCOTT BRANN is an individual residing in Harris County, Texas may be served with process at his residence located at 3131 Pemberton Walk, Houston, Texas 77025, or at his place of business at St. Luke’s Medical Group, located at 6624 Fannin St, Houston, TX 77030, or wherever he may be found.

**III. JURISDICTION**

5. The amount in controversy exceeds this Court's minimum jurisdictional requirements.

#### IV. VENUE

6. Pursuant to TEX. CIV. PRAC. REM. CODE §15.002, venue for this action is proper in Harris County, Texas because all or a substantial part of the transactions or occurrences made the basis of this lawsuit occurred in Harris County, Texas, and one or more of the Defendant resides in or has its principal place of business in Harris County, Texas. Plaintiffs expressly disavow that any claims are being made pursuant to federal law, treaties, or constitution. The amount in controversy exceeds \$75,000.00 and there is a lack of complete diversity because at least one Plaintiffs and one defendant are both citizens of Texas. Further, the Defendant is a citizen and resident of Texas. Therefore, any removal, or consent to removal, of this case to federal court would be improper.

#### V. NOTICE

7. Plaintiffs will show that in accordance with Texas Rules of Civil Procedure and all applicable Texas statutes, any and all notice required by law was given.

#### VI. DEFINITIONS

8. Wherever in this petition the word “**Defendant**” or “**Brann**” is used, such term refers to the Defendant in this action and such terms may be used interchangeably in this document.

9. Wherever in this petition the word “**Exhibit \_\_\_\_**”, it shall refer to the corresponding Exhibit attached to this document.

#### VII. STATUS OF PARTIES

10. Carlos and Jemima Guimaraes, who were residents, and are citizens, of Brazil and the United States, have an adult daughter named Marcelle Guimaraes. Marcelle was previously married to Defendant Brann. Their marriage ended in a divorce. This divorce action was Cause No. 2012-53837; *In the Matter of Marcelle Guimaraes and Christopher Scott Brann, and In the Interest of Nicholas Scott Brann, Child*, in the 308th District Court of Harris County, Texas and is

simply referred to herein as the “Divorce and Custody Case.”

11. Marcelle and Brann have a child named Nicholas Scott Brann, occasionally referred to herein as “Nico.”

12. It is alleged herein that, for the reasons and purpose set forth below, which include but are not limited to, gaining an unlawful advantage in the Divorce and Custody Case, Brann engaged in a fraudulent scheme with the intent to harm or injure Carlos and Jemima Guimaraes. Although not the only object of his intended harm, Carlos and Jemima Guimaraes were an intended target of Brann’s fraudulent scheme.

### **VIII. FACTS**

#### **Summary of Brann’s Unlawful Conduct/Statement of the Case.**

13. This case centers around the disturbing, fraudulent and likely sociopathic revenge scheme carried out by Christopher Scott Brann all stemming from his loss of the woman whom Brann attempted to possess, control and imprison through his pattern of terror, intimidation, deviance and violence, his coveted wife and the object of his psychologically disturbing actions, Marcelle Guimaraes. Brann’s short marriage with Marcelle was marked by abuse, terroristic threats/intimidation, and sexual deviance/addiction that resulted in regular and repeated physical and emotional injuries to his wife, and, at minimum, likely emotional injuries to their son (who during the time period at issue was 0-3 years old and is still suffering the consequences of Brann’s actions). Marcelle spent nearly 4 years trying to protect herself, and her son, from Brann’s constant abuse.

14. Not surprisingly, Marcelle filed for divorce. When it became abundantly clear that Marcelle and her son were not protected from Brann’s continual domestic violence and bizarrely disturbing behavior to the extent that she feared for her life as well as the life of her son, Marcelle (who had both Brazilian and US Citizenship) left for Brazil with her son and sought (and received)

appropriate protection from the Brazilian courts. Although Brann admitted to much of his domestic violence and sexual addiction/deviance to the court in Brazil, he shielded this information from the Harris County family court presiding over their divorce and custody action. With Marcelle unable to return and properly defend herself, Brann, undoubtedly enraged by the escape of “possession,” decided to bastardize the divorce and custody proceeding in an effort to fraudulently obtain a judgment from the Harris County family court re-framing the history by absolving himself of any domestic violence and deviant behavior and pitching Marcelle as the aggressor in the relationship with boldfaced lies.

15. Brann made accusations that Marcelle’s fleeing for her life was international kidnapping. He made spurious allegations of a conspiracy between Marcelle and her parents, the Plaintiffs in this action, Carlos and Jemima Guimaraes, with fanciful and baseless tales of power, influence and corruption with no evidence to support any of it. What is most telling is that, over 2 years after Marcelle left for Brazil with Nico, Brann had still not made any attempt to seek the assistance of law enforcement to assist him with this alleged kidnapping. Instead, he pursued his plan to fraudulently obtain a judgment clearing him of his unlawful and simply horrifying conduct, which he actually pulled off through procedural gamesmanship coupled with blatantly perjured testimony.

16. It was only then, upon the entry of the decree of divorce, that Brann sought the assistance of law enforcement through the filing of a fraudulent criminal complaint against Carlos and Jemima who had done nothing but support and take in their daughter and grandchild who were escaping from Brann’s continuous course of terror and abuse. Brann was successful in selling his now-solidified fictional tale to the US Attorney, which resulted in their decision to seek the arrest and indictment of Marcelle Guimaraes, and Carlos and Jemima Guimaraes (then nearly 70 years old) for preposterous allegations of conspiracy to commit international kidnapping and related

allegations. Standing on the shoulders of his fraudulently obtained judgment, and empowered by the acquiescence of the US Attorney by way of their decision to prosecute, Brann then proceeded to perjure himself in front of the US House of Representative, US Senate and the Federal District Court during the criminal trial of Carlos and Jemima, which led to various times of incarceration of Carlos and Jemima, the expenditure of hundreds of thousands of dollars in legal fees, fines, monetary restitution, significant loss to their professional careers and income, and upcoming additional incarceration in Federal prison. And that is before one considers the incomprehensible emotional trauma they have endured. It is for this that Carlos and Jemima Guimaraes bring this action.

**The Four Legal Actions in Summary.**

17. To understand the various legal battlefields that frame venue to this story, there are 4 separate actions to understand.

18. Divorce and Custody Case. This is when and where Brann’s fraud truly took shape and when and where Brann truly “reframed the narrative,” painting *himself* as the victim of domestic violence, and the victim of this entire chain of events, all of which is provably false. This action is the quite obvious divorce and custody battle that was ongoing here, in Harris County, between Marcelle and Chris. This is the action that Brann used to fraudulently obtain a judgment absolving him of any domestic violence, which conveniently is the key defense to any criminal charge related to international kidnapping, conspiracy and related offenses. This is also where Brann was unbelievably successful in precluding Marcelle from testifying in her own defense and introducing the evidence to prove Brann’s lies.

19. Brazil/Hague Case. Upon Marcelle’s escape to Brazil, she sought the protection of what she hoped to be a fair and impartial court in Brazil. This resulted in a custody action in Brazil brought by Marcelle, and then in an action brought by Brann pursuant to the Hague Convention in

Brazil, all of which is hereinafter is known as the “Brazil/Hague Case.” The courts in Brazil found Marcelle’s claims to be not only valid, but granted her legal protection from Brann. This action is key. It is in the Brazilian courts that Brann gave the closest to truthful testimony in all of the times he has testified under oath wherein he admits to domestic violence and sexual addiction/problems etc. This is the testimony he shielded in the Divorce and Custody Case, allowing for the rendition of his fraudulently obtained judgment, and was critical to Brann’s fraud as this fraudulently obtained judgment was his primary line of attack to the Guimaraes’ legal defense to the criminal action (which absolves them of any wrongdoing if their actions were for the protection of Marcelle and Nico from domestic violence).

20. Spurious Civil Case. In unfettered retaliation, Brann personally sued Carlos and Jemima Guimaraes, along with Marcelle’s brother. This groundless action, referred to hereinafter as the “Spurious Civil Case,” was first brought in the Divorce and Custody Case, naming these parties as third-party defendants in that action on August 16, 2013. The action alleges that Carlos and Jemima had been “actively involved in the planning for, abduction, and retention of Nicolas. . . along with interfering with Brann’s rights and “concealing Nicolas in their home, while also harboring Marcelle. . .” even though, as he testified in the Brazil/Hague Case less than 3 months after filing suit against Carlos and Jemima, his only “evidence” of any wrong doing on the part of Carlos and/or Jemima was “that Mr. Carlos sent an e-mail to deponent [Brann] containing the return tickets for Mrs. Marcelle and her son to the US that, for such reason, deponent [Brann] believes Mr. Carlos bought the tickets. . .”

21. This suit was then voluntarily dismissed by Brann on September 2, 2014, but then refiled as a separate action on April 28, 2015, 2 months *after* the “trial” of the Divorce and Custody Case. Although that action was randomly assigned a court, it strangely ended up being transferred to Judge James Lombardino, where it still currently sits although Lombardino was recently

unseated.

22. Criminal Case. After the “trial” of the Divorce and Custody Case on or about February 19, 2015 (which was tried to Judge Lombardino, not a jury as such right was denied by Lombardino), Judge Lombardino, for reasons passing understanding, did not sign a divorce decree until November 5, 2015, 9 months later. It was at this minute (upon the entry of the decree of divorce in the Divorce and Custody Case) that Brann decided to institute criminal charges through the US Attorney’s office 2.25 years after Marcelle first left to Brazil with Nico. The FBI filed a sealed criminal complaint and arrest warrant, for which the US Attorney’s Office later sought a grand jury indictment. The complaint and indictment charged Carlos and Jemima Guimaraes with international kidnapping and conspiracy to commit international parental kidnapping.

23. In early 2018, Carlos and Jemima, without knowledge or suspicion of any criminal charges, traveled to the US to attend the birthday of their other grandchild, the son of Marcelle’s brother. Their plane was met on the tarmac in Miami, they were arrested, and later stood trial in Federal Court in the Southern District of Texas in 2018 wherein they were acquitted of conspiracy to commit international kidnapping but found guilty of aiding Marcelle in the international parental kidnapping of Nico. Marcelle has never been tried or found guilty of any crime.

24. At the center of the Criminal Case—Brann’s re-spun fraudulent victim narrative which was cemented at the trial of the Divorce and Custody Case back in 2015. Brann used this case as his platform to further progress his re-spun narrative as well as to pursue over \$1.4million in “restitution” damages, which later resulted in a \$36,000 award by the Federal Court.

***The Marriage – Brann’s Pattern of Domestic Violence and Trauma Due to Sexual Deviance.***

25. Brann and Marcelle married in 2008 and their son, Nico, was born in 2009. ORIGINAL PETITION FOR DIVORCE, Exhibit 1. By Brann’s own admission, the marriage between Brann and Marcelle was plagued with instances of Brann perpetrating domestic violence and

Brann's sexual addiction disorder. BRANN THERAPY JOURNAL, Exhibit 2. Brann had multiple attempts to treat his disorder beginning in 2009.

26. Brann's use of physical violence throughout his marriage to Marcelle is well documented. In an email from August 5, 2012, Brann admits to pushing Marcelle onto the bed and floor, hitting her in the face and head with his hands and pulling her hair. EMAIL FROM BRANN TO GUIMARAES – AUGUST 5, 2012, Exhibit 3. In February of 2012, Marcelle reported in another incident of domestic violence to a physician at Midtown Family Medicine in February 2012. MIDTOWN MEDICAL REPORT, Exhibit 4. Marcelle sought treatment for numbness and pain in her jaw and ears and an abrasion on her face as the result of a blow to the face. *Id.* During another domestic violence incident, Brann pushed Marcelle into a wall in their home hard enough to break the sheetrock. GUIMARAES AFFIDAVIT FROM AMENDED PETITION FOR DIVORCE AND REQUEST FOR A TEMPORARY RESTRAINING ORDER, Exhibit 5. In addition to the physical violence, on at least one occasion, Brann brandished a weapon in the presence of Marcelle in an attempt to intimidate her. BRANN THERAPY JOURNAL – FIGHT FAIR CONTRACT, Exhibit 2 at 5-6. Jemima was also personally subjected to Brann's terroristic acts including the use of his own son as a threat mechanism.

27. Brann routinely attempted to intimidate Marcelle. On September 3, 2012, while the couple was separated, Brann came to Marcelle's home at approximately 6 AM and began texting Marcelle, demanding that she open the door. BRANN/GUIMARAES TEXT MESSAGES, Exhibit 6. Marcelle told Brann repeatedly that she wanted him to go away and that she was scared of him. *Id.* When Marcelle refused to let Brann in, he responded by telling her that he never wanted to see her again, that he wanted her out of his life forever, and that she should return to Brazil. *Id.* at 6. Brann instructed Marcelle to go back to Brazil numerous times. EMAIL FROM BRANN TO GUIMARAES – APRIL 28, 2011; EMAIL FROM BRANN TO GUIMARAES – MAY 7, 2012; EMAIL FROM BRANN TO GUIMARAES – OCTOBER 25, 2012, collectively Exhibit 7. Brann's intimidation tactics



reached a fever pitch in December of 2012. At that time, Marcelle had been awarded exclusive use and possession of the home at 3131 Pemberton Walk, Houston, TX 77025. On December 16, 2012, months after Marcelle had filed for divorce, Brann attempted to break in to the home while Marcelle and Nico were inside. GUIMARAES AFFIDAVIT FROM AMENDED PETITION FOR DIVORCE AND REQUEST FOR A TEMPORARY RESTRAINING ORDER, Exhibit 5.

28. Brann also subjected Marcelle to severe emotional abuse. An email from February 2010 details a threat from Brann to kill himself if Marcelle did not behave the way Brann wanted her to. EMAIL FROM BRANN TO GUIMARAES – FEBRUARY 22, 2010, Exhibit 8. In February 2011, Brann sent Marcelle another email promising that he will “never fail you again – I WILL NEVER FAIL YOU AGAIN! I WILL NEVER HURT YOU AGAIN! I WILL NEVER CURSE AT YOU AGAIN.” EMAIL FROM BRANN TO GUIMARAES – FEBRUARY 18, 2011, Exhibit 9. In May and June of 2011, Brann sent a series of emails apologizing to Marcelle and couple’s therapist for an outburst at the therapist’s office and in the later email for “traumatizing” his family. EMAIL FROM BRANN TO MAGNESS – MAY 23, 2011; EMAIL FROM BRANN TO GUIMARAES - JUNE 8, 2011, collectively Exhibit 10. In October of the same year, Marcelle sent Brann an email that stated that she couldn’t believe what Brann had said to her and that she had never had someone say “such bad things” to her. EMAIL FROM BRANN TO GUIMARAES – OCTOBER 28, 2011, Exhibit 11.

29. Brann even went so far as to threaten Marcelle’s life. In an audio recording left on Marcelle’s cell phone, Brann states:

You better answer the goddamn f—king phone Marcelle. I swear to God. I’m going to f—cking destroy you if you don’t answer the goddamn phone.

TRANSCRIPT OF BRANN VOICEMAIL, Exhibit 12 (audio recording separately available).

30. But the violence, threats and intimidation is not the whole picture. By his own admission, Brann suffers from a sexual addiction disorder. INTAKE FORM WITH SYLVIA JASON,

Exhibit 13. Brann and Marcelle began attending counseling around August 2010, seeking help for Brann's sexual addiction disorder. *Id.* Brann characterized his sexual addiction disorders as a "disease." EMAIL FROM BRANN TO GUIMARAES – DECEMBER 2, 2010, Exhibit 14. In May 2011, the couple was referred to Sylvia Jason. GUIMARAES EMAIL TO SYLVIA JASON – MAY 23, 2011, Exhibit 15. On July 7, 2011, Brann filled out a client intake form seeking treatment with Jason. INTAKE FORM WITH SYLVIA JASON, Exhibit 13. The form asks the patient why they are seeking therapy and what they would like to achieve. *Id.* Brann's response to the question is "Freedom from sexual addiction." *Id.*

31. During treatment with Jason, Brann routinely "checked-in" with both Jason and Marcelle. EMAIL FROM BRANN TO GUIMARAES – FEBRUARY 28, 2012; EMAIL FROM BRANN TO GUIMARAES – MARCH 6, 2012; EMAIL FROM BRANN TO GUIMARAES – MARCH 19, 2012, collectively Exhibits 16. On March 6, 2012, Brann checks in with Marcelle, reporting that he had to supervise a pelvic exam on a woman and notes "No other problems/triggers." *Id.* Less than two weeks later, Brann reports "an actual slip," and that he has been "triggered" for the entirety of the weekend. *Id.* On April 27, 2012, he reports being triggered by a 22-year-old female patient needing a pelvic exam. EMAIL FROM BRANN TO GUIMARAES APRIL 27, 2012, Exhibit 17. Furthermore, in April 2012, Brann and Marcelle traveled to Arizona attended an intensive two weeks outpatient therapy program to deal with Brann's sexual addiction. CRIMINAL TRIAL TRANSCRIPT, DAY 4 (167:20-25 – 168:1-3), Exhibit 18.

32. Brann kept a journal as part of his therapy. BRANN THERAPY JOURNAL, Exhibit 2. Brann's diary details multiple graphic sexual acts including Brann viewing pornography in the "call room" of the hospital he was working in and another involving Brann masturbating in an office at the hospital he was working in. *Id.* at 2-4. Brann's own journal is replete with evidence

of his severe sex and pornography addiction that extends far beyond the bounds of anything that could appear normal such as:

I can't wait to get to work so that I can go to the call room and look at my favorite porn site so I can look at some amazing [redacted] and watch a girl take it deep in [redacted].

I can't wait to get to [redacted].com and watch 3 younger woman bent over their knees taking it [redacted] deep – each one begging to get [redacted] or to suck [redacted].

I am going to stay late . . . lock door of office, long on the Baylor site, pull my pants down around my ankles and then to the website and start [redacted] to the images.

The diary does not just express an addiction, it expresses severe sociopathic behavior. It continues:

I [redacted] so hard and fast and explode into a tissue and immediately feel a deep sense of panic set in, I tell myself it is the last time and that I only masturbated once today and that it wasn't my fault. . .

*Id.*

33. Brann's journal also has an entry entitled "Fight Fair Contract." *Id.* at 5-6. The entry reads "1. I am going to stop doing these things" and lists the following:

Intimidating Marcelle

- Looks
- Actions
  - Holding, throwing, slapping
  - Pulling hair
  - Putting in a lock
- Destroying things
- Displaying weapon
- Talk over/interrupt/not listen."

34. The entry goes on to say that Brann additionally intended to stop doing the following:

2. Coersion

- Threat to hurt
- Threat to leave

- Threat suicide
- Threat with child
- Threat with travel
- Threat about police
- Threaten about money

35. In a worksheet-like entry in the journal addressing an idea called “The Offense Cycle,” under a section titled “Offense Act Out” Brann was asked to precisely define his offending behavior in clear terms. *Id.* at 16-22. Brann wrote “I act out – look at pornography and masturbate to orgasm – threat physical verbal emotional abuse.” *Id.* at 21.

36. Finally, the diary details the making of a “3 circle plan.” *Id.* at 54. Brann’s diary provides notes on the three circles as follows:

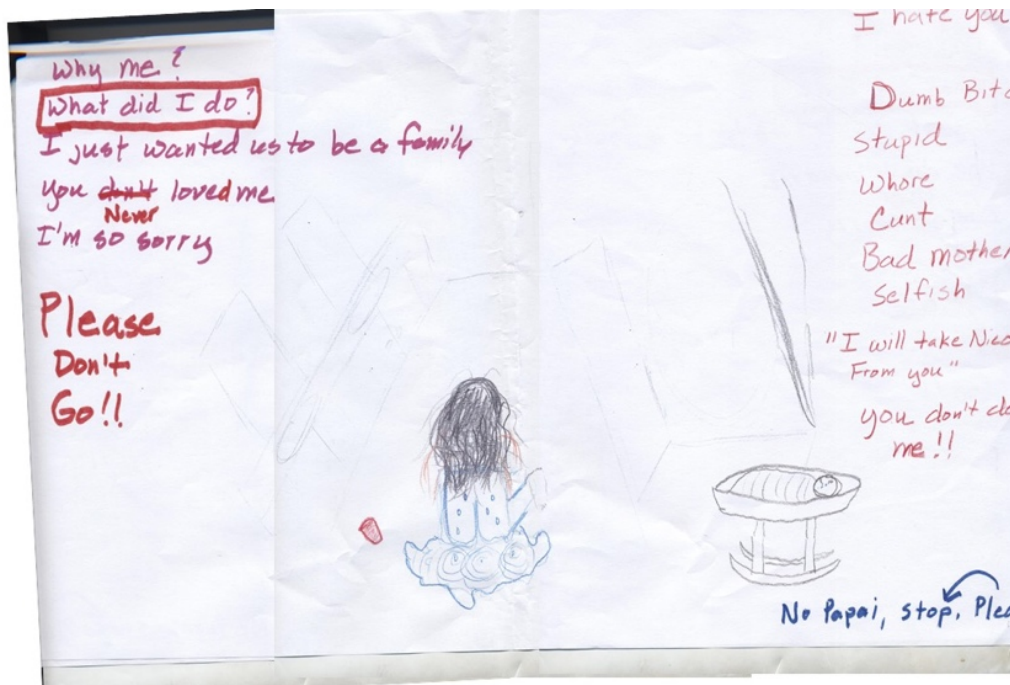
- Inner circle – behaviors acted out
- Middle circle – dangerous behavior →catalog
- Outer circle – healthy behaviors
  - → multiple dimensions.

37. The behaviors listed in the inner most circle on one of the diagrams includes “inappropriate contact with patients,” and “using position of physician to see women naked.” *Id.* at 53. The behaviors listed in the inner most circle on the second diagram includes “online pornography; masturbation; sexual relationship outside of marriage; using position as a physician to see women naked; movies with nudity; magazines with nudity; strip clubs; massage parlors; prostitution.” BRANN SECOND THREE CIRCLE DIAGRAM, Exhibit 19.

38. The couple’s son, Nico, witnessed Brann’s abuse. EMAIL FROM BRANN TO GUIMARAES – SEPTEMBER 12, 2011, Exhibit 20. In September 2011, Brann emails Marcelle, saying “I called the school. They said he is happy. Nico’s face this morning is seared into my memory. I have never seen such sadness and fear. I will never forget that face – no matter how long I live.” *Id.*

39. Brann suffered from a sexual addiction disorder, engaged in continual physical and emotional abuse and violent destruction of property. By Brann’s own admission, he was the

perpetrator and Marcelle was his victim. His addictions and behaviors showed clear tendencies that most would relate to severely disturbed, psychotic, sociopathic or even worse. But nothing tells the tale of the horror Marcelle must have endured as well as Brann's own artistic depiction of their relationship:



BRANN DRAWING, Exhibit 21.

**The Institution of Divorce and Turning of the Tides – Brann's Change of Counsel.**

40. Marcelle filed for divorce on September 17, 2012. Both her and Brann were represented by different counsel at that time than during the bulk of the divorce action. The divorce, which landed in Judge James Lombardino's court (who has been the subject of much recent scrutiny) started fairly normally including the parties' written agreement to allow Marcelle to travel to Brazil with Nico that was filed with the Court on October 18, 2012. OCTOBER 18, 2012 RULE 11 AGREEMENT, Exhibit 22. Marcelle does so, and returns.

41. On December 17, 2012, Brann's lawyer suddenly sought emergency injunctive relief requesting that Marcelle surrender Nico's passport and contended that there is a risk of

international abduction of Nico by Marcelle. RESPONDENT'S EMERGENCY MOTION FOR TEMPORARY INJUNCTIONS, Exhibit 23. This is ironic considering Brann's numerous statements to Marcelle that she should just go back to Brazil with Nico. BRANN/GUIMARAES TEXT MESSAGES, Exhibit 6; EMAIL FROM BRANN TO GUIMARAES – APRIL 28, 2011; EMAIL FROM BRANN TO GUIMARAES – MAY 7, 2012; EMAIL FROM BRANN TO GUIMARAES – OCTOBER 25, 2012, collectively Exhibit 7.

42. On that same day, the court heard and Emergency Temporary Restraining Order. That hearing led to the Court issuing an order that "BRANN shall have no contact with the child NICHOLAS SCOTT BRANN until further order of this Court." DECEMBER 17, 2012 TEMPORARY RESTRAINING ORDER, Exhibit 24. But then Brann makes a different move.

43. On or before December 20, 2012, Brann changes counsel to new counsel (a Houston family law attorney who has been the subject of recent scrutiny due to allegations of extremely preferential treatment by now-former Judge Lombardino) and the divorce starts to change character. Brann's new counsel's first appearance came in the form of Brann's First Amended Counter-Petition, filed on December 20. FIRST AMENDED COUNTER-PETITION, Exhibit 05. Brann now requested sole or joint custody. As well, it is accompanied by a Notice of Hearing on Temporary Orders setting a hearing to enter temporary orders for, unfathomably, December 21, 2012, *the next day*.

44. Brann's new lawyer's order of substitution was also signed by the family court the following day (12/21/12) at the same hearing for which Marcelle received 1-day notice, and at which the Court clearly indicated its intent to reverse the Temporary Restraining Order issued only 4 days earlier, barring Brann from having any contact with Nico. As a result, the parties ultimately were forced to enter into Agreed Temporary Orders on January 18, 2013, appointing Marcelle and Chris as joint managing conservators.

45. Marcelle continued to plead for her safety and the safety of her child, but her pleas fell on deaf ears, exposing her and her child to significant risk from personal harm or even death.

**Marcelle Seeks Protection from Brazil / Brann's Scheme of Fraud Begins.**

46. On or about July 2, 2013, Marcelle travels to Brazil with Nico again, and this time, again by written agreement of the parties in the Divorce and Custody Case. SECOND R11 AGREEMENT ON TRAVEL, Exhibit 25. While she is there, Marcelle seeks protection from the Brazilian courts, who upon presentation, granted temporary custody of Nico to Marcelle, not surprisingly. It is at this time that the first evidence of Brann's scheme of fraud starts to appear, whether it be the outset of his plan, or whether it serves as the what becomes the proverbial catalyst for same. Knowing Marcelle was in Brazil, Brann rushes to court in Texas with a Temporary Restraining Order requiring Marcelle surrender Nico to him, which was executed on August 9, 2013. EMERGENCY MODIFICATION ORDER, Exhibit 26.

47. On August 13, 2013, Brann instructs his attorney to file a Joint Emergency Motion to Modify Temporary Orders wherein his lawyer's only allegation is that Marcelle has not returned, ceased communication due to being ill, then makes unsupported allegations that she expressed her intent not to return. EMERGENCY MODIFICATION MOTION, Exhibit 27. He blanketly alleges, without any support or evidence, that Carlos, Jemima and Marcelle's brother "assisted . . . in absconding with the child." *Id.* They attached an affidavit penned by Brann wherein Brann contends:

It is now clear that MARCELLE has absconded with NICOLAS to Brazil with no intend [sic] to return. She has ceased all communication with me and has prohibited me having any contact with NICOLAS as agreed and ordered. Her actions present a serious and immediate concern regarding the physical and emotional well-being of NICOLAS.

*Id.* He never says why, or how. And he makes no effort to contact law enforcement of any kind. Rather, he seeks, and somehow obtains, an order from the court, on August 9, 2013, strangely concluding, as this was not even made the subject of the Motion or hearing:

The Court finds that the allegations made by Marcelle Guimaraes related to Chris Brann being a danger to the child or having negative parenting attributes to be false and made with malice.

EMERGENCY MODIFICATION ORDER, Exhibit 26. Even more bizarrely, the court's order contends that a hearing on this issue occurred on August 9, 2013, and the order is signed by the Judge Lombardino on August 9, 2013, when Brann's motion itself was filed (according to the Court's file-stamp) on August 13, 2013 (4 days *after* the hearing), and which Brann's counsel affirmed that he served on August 5, 2013 (4 days *before* the hearing). The court does not find immediate (or any) concern regarding the physical and emotional well-being of Nico. *Id.* So while Marcelle is in Brazil, Brann obtains an order from the family court, not finding Marcelle to be a danger (as he later contends), but rather finding that *he* is not a danger (contending Marcelle made it up), and obtains this order on August 9, 4 days *before* the Motion requesting this relief was *actually* filed. *Id.*

48. If Brann were a victim of *Marcelle's* violence, and if *Marcelle* were a danger to Nico, as Brann later contends, it seems logical to have expected him to present evidence of such, and seek findings supporting same. But instead, he uses this as his first opportunity to establish that he is not the perpetrator of domestic violence, and he is not a danger to the child, and does so only when he knows Marcelle is in Brazil. The bizarrely out of place language in this order will resurface in a critical way as time progresses . . .

***Brann Tries to "Up the Ante"; the Spurious Civil Case Comes in to Play.***

49. Likely feeling empowered by his efforts to obtain fraudulent findings of no wrong doing on his part while Marcelle was unable to defend herself in the Divorce and Custody Case



while she was in Brazil (and had to remain there to maintain her protection from him granted by the Brazilian Court), Brann “ups the ante” by filing suit against Carlos and Jemima, along with Marcelle’s brother, with five causes of action including contending they interfered the “possessory interest of a child,” conversion of assets and liability under the Theft Liability Act. His petition makes such contentions as, “Jemima, Carlos and Marcelle’s brother have been actively involved in the planning for, abduction, and retention of Nicolas in Brazil. With advance warning of the abduction of Nicolas, Roberto assisted in the arrangements for and enabled Marcelle’s permanent relocation to Brazil.” SPURIOUS CIVIL CASE PETITION, Exhibit 28.

50. Although filed, Brann does virtually nothing with the Spurious Civil Case other than successfully serve Marcelle’s brother with citation. So here he contends that his child was abducted. He contends Carlos, Jemima and Marcelle’s brother intentionally assisted in the planning and execution of this purported kidnapping, and yet he does virtually nothing with his new suit filed against these alleged co-conspirators. This, at minimum, makes no logical sense from a man whose alleged motive was only to gain access back to his child. It does, however, make logical sense if his true intent was only to cause harm to Marcelle and her family. And it makes even more sense if one considers that his civil attorney is costing him money, but he can accomplish the same thing by fraudulently inducing the US Government to act on his behalf, and on their dime.

51. The Spurious Civil Case was filed by Brann on August 16, 2013, 7 days after obtaining the Emergency Modification Order, and 14 days before he voluntarily submits to the jurisdiction of the court in Brazil. Curiously, Brann’s affidavit filed as Exhibit C to the Emergency Modification Motion contains not even a single reference to any alleged involvement of Carlos, Jemima or Marcelle’s brother. EMERGENCY MODIFICATION MOTION, Exhibit 27. The Emergency Modification Motion contains only this reference, “On information and belief, MARCELLE

GUIMARAES's [sic] parents and brother have assisted MARCELLE GUIMARAES in absconding with the child and interfering with CHRISTOPHER SCOTT BRANN's custody of the child." *Id.* His testimony on this subject in Brazil explains why. . .

**Brann's Testimony in Brazil – Proof of Fraud in the US Courts.**

52. While Brann was using Marcelle's absence as a chance to fraudulently re-frame the true nature of his actions, Brann voluntarily avails himself of the jurisdiction of the Brazilian court and voluntarily appears with counsel on or about August 30, 2013. After the court in Brazil awarded custody to Marcelle, on October 2, 2013, Brann moves the court in Brazil for what they refer to as "seizure of a child" in an attempt to take Nico back from Marcelle. Although Brann's motion was denied by the Brazilian court on October 29, 2013, Brann is deposed in Brazil over 2 days, November 7, 2013 and November 13, 2013. This testimony is the proverbial icing on the cake establishing Brann's later fraud in the United States.

53. In summary, in Brann's testimony in Brazil, he admits to several key things:

- Has a "problem" with sex issues, but not an "addiction";
- Has received multiple sources of mental health treatment for same (although not disclosed in the family case);
- He broke the TV with his own hands and has thrown his or her telephone in anger;
- He has slapped Marcelle at least twice;
- He has pushed Marcelle on to the bed or the floor 6-8 times;
- He has forcibly prevented Marcelle from exiting a room by holding restraining her by the arm to prevent her leaving;
- He has further restrained her by pushing her against the door to prevent her from leaving;
- He has submitted to 2 psychological studies related to mental health and sex issues; and
- His "evidence" of Carlos and Jemima's involvement in his alleged complaints of illegal conduct on the part of Marcelle and Carlos/Jemima is that he "thinks" Carlos bought a plane tickets for Marcelle and Nico to travel to Brazil and return to the US because Carlos sent him an email attaching the tickets.

BRANN BRAZIL TESTIMONY, Exhibit 29. The transcript reads:

...that deponent [Brann] has slapped Mrs. Marcelle's face twice , on two occasions; that deponent has pushed Mrs Marcelle to the bed or to the floor six or eight times within three years, always to reprimand her so she would stop fighting; that deponent also used to hold Mrs. Marcelle by the arm to be able to leave the room...

*Id.* The transcript also contains his admission that even his own religion considers his problem a “debility”:

...that he does not see his problem (of watching porn on the internet) as an addiction, such as the addiction to alcohol or drugs; that many people can find that behavior a normal one, but deponent, due to his religion, considers it a problem, a "debility"; that the mentioned problem started when deponent was 14 or 15 years old. . .

*Id.*

54. Brann also tells his first version of what will hereinafter be referred to as the “Wall Incident.” As the story actually goes, Brann forcibly pushed Marcelle with such force into a wall that it literally put a person-sized hole in the sheet rock at their home. BRANN BRAZIL TESTIMONY, Exhibit 29. In Brazil, Brann says, in version 1 of the Wall Incident:

...that, on a certain occasion, after a fight with Mrs. Marcelle, deponent got very angry and crushed the wall with his own hands, and the pipes were exposed; that said wall can easily be broken, because it is made of paper; that deponent also opened a whole on the lower part of the wall with a kick. . .

*Id.* Brann will later modify this story significantly on 2 different occasions, with 2 different “versions.”

55. What Brann’s testimony in Brazil amounts to is the closest version of the truth that he tells. What it further amounts to is patent evidence of the fraudulent nature of Brann’s testimony in the family court “trial” (under oath) as well as to the US House of Representatives (under oath), the U.S. Senate Committee on the Judiciary (under oath) and at the Criminal Trial (under oath), in all of which he provides sworn testimony to these U.S. tribunals that are 180 degrees in opposite of his testimony in Brazil, and even more in contrast to the actual truth.

56. For unknown reasons, Brann’s testimony in Brazil was not admitted in and/or available to any of these tribunals and was, in fact, not transcribed until April 10, 2018. *Id.* And Brann certainly never owned up to his own contrary testimony in Brazil.

***The Nature of Brann’s Scheme of Fraud – Fraudulently Turning Himself from Predator to Victim.***

57. At its root, Brann’s scheme was simple—re-frame himself from the perpetrator of violence and abuse, to the victim of it. One may have expected his sole purpose to be ensure his access to his son, but that seems to have been secondary.

58. As Brann’s plan unfolded, his actions made clear that his true intent was to cause harm, and not just to his wife who wanted to end their marriage, but to her in the worst of ways, and to her family along with it, and as unfolds later on, to line his own pockets to further his lifestyle of opulence with his new wife, the 22-year old self-proclaimed “lifestyle blogger” (and his new child) that is marked with lavish gifts and extraordinary spending on frivolity.

59. Brann had access to his son in Brazil. He could have simply worked with his soon-to-be ex-wife to establish new trust, to change his ways, and to build a cooperative relationship that could have led to cooperative parenting and access. But that was not his path. He chose to lie, to malign, to publicly attempt to disparage her and her family. He chose to sue her parents, Carlos and Jemima (Nico’s grandparents). He chose to sue her brother. In fact, he filed that action not once, but twice. He sought money damages from the family court and defrauded the court into awarding him nearly \$3,000,000 and the marital estate. But that still was not enough. He wanted to hurt them, all of them, which then led to the active continuation of his scheme through his ultimately successful efforts to prosecute Nico’s grandparents criminally when it was clear to all involved, and understandable by virtually every human being on the planet, that they only tried to help and ensure the safety of their daughter and grandchild from the very person who admitted his

pattern of domestic violence and sexual deviance in front of their very eyes in during his testimony in Brazil—Brann himself.

***Fraud on the Family Court: Brann's Plan to Fraudulently Re-shape the Narrative, Avoid Discovery and Stack the Deck in the Divorce and Custody Action.***

60. As Brann prepares to stack the deck in the Divorce and Custody case, he begins by voluntarily non-suiting the Spurious Civil Action and removing the only other lawyer from the Divorce and Custody Case leaving only his, and Marcelle's lawyer, Ricardo (Rick) Ramos, who has a known extremely close personal and business relationship with Brann's own lawyer.

61. What appears to have happened at this point is, sometime after Brann's testimony in Brazil, and the fraudulent favorable finding he received absolving him of any domestic violence in the Emergency Modification Order obtained by the Emergency Modification Motion, Brann hatches his plan to commit fraud on the court(s) by restricting access to him in discovery in the Divorce and Custody Case, then testifying under oath consistent with his fraudulent re-shaped narrative in the Divorce and Custody Case. In or around December 2014, Marcelle's lawyer begins (albeit grossly negligently late in the game) to attempt to obtain Brann's deposition in the Divorce and Custody Case. These efforts were quashed with not 1, not 2, but 3 successful Motions to Quash dated January 19, 2015, January 22, 2015 and January 29, 2015. MOTIONS TO QUASH, collectively Exhibit 30. Although Marcelle's counsel did file a Motion to Compel Brann's deposition on January 30, 2015, that motion was either never heard, or denied.

62. In an attempt to create a diversion, Brann moves Judge Lombardino to compel Marcelle to appear in the U.S. for deposition, which results in multiple hearings for sanctions, ultimately resulting in "death penalty" sanctions by way of striking Marcelle's pleadings (which was later undone by the Houston Court of Appeals) as well as Judge Lombardino's refusal to allow Marcelle to testify at her own trial by Skype live. The result? Well, now Brann gets to truly spin his fraudulent narrative.

63. Brann's testimony is replete with outright lies. In his testimony in the Divorce and Custody Case "trial," Brann denies his sexual deviance and addiction, denies is multiple acts of violence against Marcelle, and paints himself the victim and Marcelle the aggressor, all of which are brazenly false.

64. He starts by denying his well-documented sex and pornography addiction:

"Q I want you to turn now to P32.

A Yes, sir.

Q P32 said you were referred for religious --

A Desensitization.

Q It says: ""Physician working 100 hours per week and sex addiction to porn,"" in quotes. Did you make that statement to the doctor?

A No, sir, I did not make that statement."

FAMILY COURT TRIAL TRANSCRIPT (20:8-15), Exhibit 31.

65. Brann denies his documented incidents of physical abuse of Marcelle:

"Q That's a one-page record from the Midtown Family Medicine. Please flip it over to the next page after the cover page. You recall Marcelle seeking medical attention --

A Absolutely not.

Q -- for an act of domestic violence performed by you towards her?

A Absolutely not.

Q You recall an instance in which you gave her numbness in her jaw and her ear?

A No, sir."

*Id.* at (24:24 - 25:8). He continues:

"Q Okay. And in this exhibit you kind of detail a specific episode of you watching pornography at work; is that true?

A No, sir. That's not what this says.

Q Well, the first paragraph, it says: ""I'm staying late, lock the door in my office, and log in on the Baylor site."" Is that what it says?

A That is what it says.

Q Okay. And are you detailing an episode that took place at your work?

A No, sir, I'm not.

Q Okay. Is this a fantasy writing of yours?

A This is a therapeutic assault script which I was told to write by a therapist.

Q Okay. So, again, this is somebody else that's instructing you to put this down on a piece of paper.

A Yes, it is.  
Q This is not you? You didn't do any of this?  
A This is a therapist instructing me exactly what to write.  
Q Okay. You did not seek female patients and then go in another room in your workplace, watch pornography, and masturbate?  
A No, sir. This was -- No, sir."

*Id.* at (31:5 - 32:3).

66. Brann's story on the infamous "putting Marcelle through the sheetrock wall" or "the wall incident" starts to change as well:

"Q Okay. Marcelle had alleged that you had hit her in the jaw and in the ear. That did not occur?  
A No, sir.  
Q She also alleged that you had placed holes in the wall in the house that you had punched through the wall. Do you recall that?  
A I dented the wall, yes.  
Q Okay. Please turn to P14. Does that accurately reflect your -- let me use your words -- the dent in the wall?  
A I did not do this. No, sir, I did not.  
Q Okay. That's not you?  
A No.  
Q You don't know how this hole got in the wall?  
A I can presume how it got in the wall, but I don't know how it got in the wall.  
Q Let's presume for a second that I guess it was Marcelle's fault?  
A No. Let me explain, if I may.  
Q Sure.  
A I put a dent in the wall.  
Q Okay.  
A And subsequently the wall hole expanded when I was not there, and then subsequently pictures were taken of it.  
A No, sir. I mean, I punched the Sheetrock. I put a dent in the Sheetrock, but it did not break through the Sheetrock."

*Id.* at (25:18 - 26:8).

67. He further fraudulently re-frames history to alter his pattern of physical abuse by adopting his new version of his allegedly mature, calm handling of altercations and framing Marcelle as the aggressor:

"Q (By Mr. Ramos) Is it also bad judgment and improper to grab your wife by the hair?

A That would be bad judgment, yes, sir.  
Q And you've done that; is that true?  
A When Marcelle and I got in a physical --  
A Not on purpose, no.  
Q (By Mr. Ramos) Okay. So the dent on the wall and now you say you didn't -- you grabbed her hair by accident?  
A No. What I'm saying is that in physical altercations things happen. I did not intentionally grab her hair. I know at times when I was trying to get away from her frankly --  
Q Okay.  
A -- that my hands were, you know, pushing her out of the way in order for me to leave the room. I don't ever recall an instance where I intentionally grabbed her hair."

*Id.* at (27:11 - 28:6). He continues:

A So she would start yelling at me about whatever it was that she was upset about, and I would frequently do what I did, which was say, "Stop, stop, stop, stop." When she wouldn't stop, I would either sit down in the corner for 30, 45 minutes as she sat there and yelled at me, just waiting for her to get tired or if she was getting increasingly more physically confrontational, I would try and leave the room. She would obstruct my exit. She would push me and push me and push me away from the door. The only way I could leave the room is if I physically removed her from my exit trying to get away.

*Id.* at (169:19 - 170:5).

68. Brann denies the presence of Nico during his physical abuse, which is a known lie as well:

"Q Would she scream and yell in the presence of Nico?  
A She didn't care who was around, yes.  
Q Did she scream and yell in front of the nanny?  
A Yes.  
Q Scream and yell in front of your mom?  
A Yes.  
Q Physically assault you in front of the nanny?  
A Yes.  
Q Physically assault you in front of your mom?  
A Yes.  
Q Would she hit you regularly?  
A Yes.  
Q Would she keep you from leaving a room regularly when you wanted to leave?  
A Yes."



*Id.* at (169:1 - 16).

69. Brann's "victim" story takes full shape starting with how he simply "capitulated" to her, making himself a victim, and again advancing Marcelle as the aggressor:

"Q Why in the world would you stay married to such a woman?

A I'm just doing everything I could to protect my child.

Q Is your relationship regressed, did she start having more and more control over you?

A Absolutely.

Q Did you concede to her control?

A I capitulated on almost every account."

*Id.* at (166:21 - 167:4).

70. The "victim" story continues with his tales of sleepless nights and emotional damages although he was already in his honeymoon stage, planning a wedding, with his new 22-year old bride (*see* Section "The Long Con – Victim in the Public Eye, But a Public Life of Lavishness When the Press Isn't Looking," *supra*):

"Q You have a lot sleepless nights worrying about Nico?

A For months I cried myself to sleep every night.

Q Is that ongoing at times now?

A Absolutely."

*Id.* at (224:12 - 16).

71. Brann's testimony at this trial was all clearly designed to reverse the narrative of the history of their relationship. His statements above, and others at that trial, were not only false, and known to him to be false, their falsity was well documented. As Brann had obtained an order excluding Marcelle from testifying at the trial, he was free to proffer whatever lies he wanted to, and did so. The result, which was his obvious intent, was a judgment from the family court procured by his fraud, that set him up for the events to come. Beginning in early November 2015 until and including the present, Brann has further embarked on an extensive and sophisticated media campaign and lobbying scheme that was designed to, and did, influence both authorities and lawmakers.

**The Fraud Grows: Post-Successful Fraud on the Family Court, Brann Escalates – The Spurious Civil Case Reappears.**

72. At this point, the Divorce and Custody Case has been through its “trial” of sorts, but a decree of divorce has not been entered. Nevertheless, with definitively zero additional “evidence” than Brann had before, he refiles the Spurious Civil Case. REFILED SPURIOUS CIVIL CASE, Exhibit 32. While Brann includes plenty of additional allegations and information about Marcelle, there is not a single new fact or allegation about Carlos, Jemima or Marcelle’s brother who was clearly added for nothing short of mafioso-style revenge. *Id.*

73. Although this case should have been filed in District Court rather than family court, Brann chooses to file it in family court and it is randomly assigned to the 309<sup>th</sup> Judicial District Family Court. Without explanation, somehow this case was transferred back to, you guessed it, Judge James Lombardino in the 308<sup>th</sup> Judicial District Family Court. ORDER TRANSFERRING CASE, Exhibit 33.

74. Since the re-filing of the Spurious Civil Case, virtually (and oddly) nothing has occurred other than a series of continuances. Apparently the point of that action for Brann is more pain, suffering and monetary loss for Carlos and Jemima, without regard to the merits of that case, obviously, with his failure to pursue that case most likely due to the decision of the US Attorney to prosecute Carlos and Jemima, which has the added benefits of being on the US Government’s tab, will result in a faster trial, and in which Brann can seek restitution damages by way of his initial request to be awarded \$1.4 million.

**Brann’s Fraud Moves to the US Government and Courts: The Radically Delayed Institution of Federal Criminal Charges.**

75. Bizarrely, for a man who claims that all of his efforts are simply intended to regain access to his son, and for a man who claims his son has been kidnapped by Marcelle, in an unlawful conspiracy with Nico’s grandparents, there is one major thing he fails to do, for over 2 years from

Marcelle's departure to Brazil with Nico—seek any assistance from any law enforcement or prosecutorial authority. That's right, for 2 years following Marcelle's departure with Nico, Brann never goes to law enforcement, that is, until one key triggering event—the entry of the fraudulently obtained divorce decree.

76. It would seem axiomatic that a parent whose child has been allegedly “kidnapped” would head first, and often, to any law enforcement body that will listen. It would seem. But not in Brann's case. Although Brann fraudulently obtains a court order giving him custody of Nico, and armed with same, he still does not avail himself of law enforcement of any kind. Instead, he waits nearly 2.5 years from Marcelle's departure to Brazil before he heads to the U.S. Attorney's office to file a criminal complaint.

77. Marcelle left in July of 2013, and Brann finally decides to file a criminal complaint in “early November 2015.” CRIMINAL TRIAL DAY 4 (108:14-18), Exhibit 18. Early November 2015 marks another key event—the entry of the divorce decree in the Divorce and Custody Case, some 9 months following the “trial.” The entry of the divorce decree can be characterized as something beyond the final decree of divorce, and that is the legal validation of Brann's fraud. It is the entry of that decree that essentially cements Brann's fraudulent testimony as a valid and final finding. And that is when Brann finally heads in for criminal prosecution.

78. But that is not the only thing Brann does following that triggering event. In addition to Brann's prolific media campaign, regular television appearances, and used of his high-priced spin doctor, Jared Genser, Brann also embarks on a pattern to further substantiate his fraudulent position where obtains 2 key, and very public, opportunities to bolster his fraud, the chance to testify to: (1) the House Committee on Foreign Affairs of the United States House of Representatives; and (2) the Committee on the Judiciary of the United States Senate packed full of flagrant lies.

**Brann's Fraud Escalates Even Further: The False Testimony to the US Congress and US Senate.**

79. On July 24, 2016, Brann takes things even farther. This time, he provides testimony before the House Committee on Foreign Affairs of the United States House of Representatives in a shameful and fraudulent display. His testimony includes a number of statements that are, at best, unsupportable, and at worst, provably brazen lies. Brann's testimony includes all of the following statements:

We agreed on joint custody so that both of us could be in Nico's life.

Marcelle immediately filed for sole custody of Nico. In doing so, she hid from the court that we already had a joint custody agreement in Texas.

Marcelle had enrolled Nico in a Brazilian school three months earlier – a school owned and run by her family – and she had accepted a job offer there.

There have been ten independent assessments demonstrating that I am a loving father, including from the Brazil Central Authority, Brazil's Office of the Attorney General, a Brazilian court-appointed psychologist, and Judge Duarte herself.

The Government of Brazil agrees that Nico was abducted and must be returned to the US.

The Brazil Prosecutor General has opened two investigations – one criminal and one civil – into Marcelle's wrongdoing.

The Federal Judge in Brazil noted in her ruling that he [Carlos Guimaraes] helped facilitate my son's abduction – using company resources, he had his assistant at his company book plane tickets for Marcelle and Nico to make it appear like they were returning to Texas, even though he knew they were never coming back, as only a few days earlier the judge in Brazil had granted Marcelle sole custody.

TESTIMONY BEFORE US HOUSE OF REPRESENTATIVES, Exhibit 34.

80. The real facts are radically contrary. There was never an "agreement" on joint custody, but only temporary orders shockingly agreed to by Marcelle's lawyer only days after she

obtained a Temporary Restraining Order prohibiting Brann from seeing Nico based on evidence presented at the hearing. Brann testifies later in the criminal trial that Nico was always enrolled in that particular school when he travelled to Brazil. There has not even been ten independent psychological assessments of Brann, let alone ten demonstrating that he is a loving father. In fact, as will be demonstrated during this action, Brann's mental condition, per psychological assessment, presents an extreme degree of risk to the physical well-being of even those closest to him.

81. Regarding Brazil, the facts simply could not be further from the truth. Aside from the wholly unsupportable statements regarding Brazilian investigations of Marcelle and the Government of Brazil "agreeing that Nico was abducted and must be returned to the U.S.," the independent psychological evaluation performed pursuant to the Brazil/Hague Case found "in favor of the permanence of Nicolas in Brazil" and that Brann's psychological condition at that time was marked with a "sexual disorder" and that "the overall stress condition associated with such disorder may pose risks to the child's wellbeing, as it can cause negligence in parental care."

82. If that were not enough, Brann says regarding Carlos:

The Federal Judge in Brazil noted in her ruling that he [Carlos Guimaraes] helped facilitate my son's abduction – using company resources, he had his assistant at his company book plane tickets for Marcelle and Nico to make it appear like they were returning to Texas, even though he knew they were never coming back, as only a few days earlier the judge in Brazil had granted Marcelle sole custody.

*Id.* It is an understatement, at bare minimum, to say that this is simply false.

83. Brann's fraud continued to yet an even higher level when he testified in front of the Committee on the Judiciary of the United States Senate on April 24, 2018.

84. Brann's testimony was marked with the same fraud, and more at that. He testifies:

That ten independent experts in Brazil and the U.S. concluded I was an excellent father, or even that the U.S. and Brazil have agreed for

years Nico was abducted and must be returned to me under the Hague Convention on the Civil Aspects of International Child Abduction.

If I go back to Brazil I'll be arrested – there is debtor's prison in Brazil and I would be imprisoned until I paid in full, which I can't afford; so I can't ever see Nico in person again.

Evidence that my ex-wife and her family pre-meditated my son's abduction came from her own court filings in Brazil.

And both governments agree Nico was abducted and must be returned to the United States.

This is a textbook case for the application of the Hague Convention. If I couldn't get Nico back with these facts, no left-behind parent can ever rely on the treaty.

TESTIMONY BEFORE US SENATE, Exhibit 35.

85. And in the most absurd, and obscene of his false allegations, Brann stated:

All I have ever wanted is for Nico to have equal access to his two loving parents.

My case has the strongest facts any left-behind parent could have.

*Id.* These statements come from the same man who has repeatedly sought to prohibit Marcelle's access to Nico through his charade in the family court and sought to incarcerate Marcelle's parents/Nico's grandparents for doing nothing other than trying to ensure the physical safety of their daughter and grandson. And as to Brann's remarks regarding his case having "the strongest facts any left-behind parent could have," well, apparently he is not setting the bar very high as his case was marked with physical violence, sexual deviance and even threats on Marcelle's life.

86. But he is not yet finished. . .

**Brann's Fraud Continues in the Criminal Trial in the United States Federal Court.**

87. Whether empowered by his open forum, or hampered by his numerous, public and under-oath lies, Brann does not stop. Now, having convinced the US Attorney's office to prosecute Carlos and Jemima, Brann continues his pattern of fraud, this time on the Federal District Court.

Brann's fraud continues with continuing denials of domestic violence and sexual addiction/deviance, and continues the proffering of his whimsically fanciful tale of Marcelle's aggression and Brann's mature capitulation, radically in contrast to even his own journals, penned in his own hand.

88. From the witness stand in the Criminal Trial, Brann continues his new version of his allegedly mature, calm handling of altercations and framing Marcelle as the aggressor. Brann testifies under oath:

Q How -- how would you try to deescalate? How could you deescalate the situation?

A Well, asking her to -- just to calm down, right, or to say, you know, Can we please talk about this in a manner where we can, you know, be calm and collected? I would try and sit down. We had a -- a desk or a long table in the room where I studied frequently that had two chairs in it. It's a -- like a white desk that you would buy at Sam's club, just one of those plastic ones, right, with the two plastic chairs. So I'd sit down and say, you know, Can we talk about this?

CRIMINAL TRIAL, Day 2 (133:11-21), Exhibit 36.

Q Did the answers seem to matter to her?

A Oh, absolutely not. Absolutely not. We -- and that was kind of my question mark in all of this -- is if we've discussed this over and over again and I have given you the answer -- it was as if she wasn't going to stop until she got an answer that she wanted, irrespective of whether that was the truth, right? So the the problem was is that she had just these increasing fits of rage in the middle of these arguments where she would push me or kind of like slap at me or whatever. And so I would disengage, sit down, even sit down on the floor. And I remember on a number of occasions sitting down on the floor thinking if I just don't say anything, how long will she continue? Like how long can she yell at me, for real? And so I would sit down in the middle ' of the floor against the corner and just wait and wait and wait. And sometimes she would stop, but many times, she wouldn't. And in the times that she wouldn't, if I felt like it was an unsafe environment, then I would attempt to leave the room. I would say, You know what? This is not going anywhere. We're not going to come to an agreement. We need to both calm down, and so I would try and exit the room."

*Id.* at 134:4-135:1.

A And if I tried to, you know, get past her, she would push me or hit me or sometimes even, you know, push herself up against the door and kick me.

*Id.* at 135:7-10.

A And if I tried to, you know, get past her, she would push me or hit me or sometimes even, you know, push herself up against the door and kick me.

*Id.* at 135:25-136:2. And in the most glaring lie of all, Brann states:

Q Did -- in the history of your relationship, did you ever -- were you ever physically aggressive with her? Did you ever initiate a fight with her physically?

A Absolutely not."

*Id.* at 136:16-19.

89. Brann continues to deny his well-documented history of domestic violence and under his flying of the flag of the fraudulently obtained judgment from the Texas family court:

Q So after she slaps you multiple times, what do you do?

A So when she slapped me multiple times, I pushed her back off of me, out of the closet, and I said, ""I'm going to change. Leave me alone."

*Id.* at 227:9-13.

A So she grabbed me by the genitals and said, ""You're not a fucking man. ""

BY MS. ZACK:

Q And what did you do?

A So at that point, I was, you know, in pain, and I slapped her.

Q Did she let go?

A She did, but only to slap me five or six times in a row."

*Id.* at 225:8-16.

90. Brann re-frames the "the wall incident" story yet again:

Q Is that your contention, that whenever you used violence against her, it was in self-defense?

A It was always in the context of me trying to get out of the room or deescalate the situation, yes.

Q So it was in self-defense?

A That's -- yes, that's what it was.



Q Did you ever hit her?  
A I slapped her.  
Q Is there a medical difference?  
A I'm just explaining what I did.  
Q How did you slap her?  
A With my hand.  
Q In the face?  
A Yes, sir.  
Q How many times?  
A One time that I have already testified to.  
Q Did you ever pull- her hair?  
A Yes, sir, I did.  
Q Did you ever throw her up against the wall?  
A I pushed her, yes, sir.  
Q Did you actually push her up against the wall enough to create a hole in the wall?  
A There was a hole in the wall, and I pushed her up against it, where I had punched the wall. I previously testified to that. And when I pushed her up against that wall, it cracked a little bit more.  
Q Let me see if I understand. At another time of expression of anger, you put a hole through the wall with your fist, right?  
A I believe I have testified to this, yes.  
Q I am not asking what you testified to. I am asking you if you did it. Did you do it?  
A Did I do what?  
Q In a fit of anger take your fist and ram it through the wall.  
A Yes, sir, I did.  
Q Did it make a hole?  
A It made an indentation. It certainly cracked some of the drywall.  
Q It made a hole, didn't it, Doctor? I mean, it wasn't just a crack or an indentation; it was a hole, wasn't it?  
A No, sir. My hand did not go all the way through the drywall.  
Q Oh, it didn't? All right. So then what made the hole? When you pushed her up against the wall?  
A No. The -- when I -- in that subsequent conflict when I pushed her because I was again trying to get out of the room and she was pushed up against that wall, the drywall cracked some more."

CRIMINAL TRIAL, Day 3 (137:13-139:12), Exhibit 37.

91. His historical re-write of his sex and pornography addiction continues as well:

"Q Have you ever said before that seeing a 22-year-old female for a pelvic exam triggered your pornography problem?  
A No, sir.

Q Have you ever said that you decided not to do pelvic exams in order to avoid that kind of trigger?

A No, sir."

*Id.* at 187:18-24.

"Q And, Doctor, if that information you and I have just been discussing was passed on to the grandparents, can you imagine how that would alarm them?

A The information about me watching pornography?

Q And being triggered by young women either on websites or as patients?

A I was not triggered by patients --

Q Is it --

A - in the way that you're meaning it. You're meaning it as arousal.

Q How do -- just out of curiosity how do you know what I mean?

A Because you're using those two things in the same context. You're using pornography, which is arousal --

Q No. Doctor, my words didn't do that. Let me try again. Maybe I just didn't do it very artfully. If we assume the word ""trigger"" means make you want to do something, isn't it true that seeing young women patients sometimes would trigger you and you would then go act out at work, as well- as at home?

A No, sir. The word ""trigger"" in these e-mails meant that it reminded me that I needed to tell my wife about the situation, which was something I was under direct --a directive by her and the therapist to do on all occasions. I was directed by my wife to tell her any and every time that I had a female patient. That was her request, which I complied to freely."

*Id.* at 189:19-190:20. However, Brann selectively admits to the following:

"Q When you were working at Baylor College of Medicine, did you masturbate during work hours?

A I admitted that when I was a resident in the call room, that, yes, sir, I had watched.

Q Did you view pornographic websites during the time you were working at Baylor during Baylor hours?

A On an overnight call.

Q Did you masturbate during work hours at Ben Taub?

A On an overnight call.

Q Is that yes?

A I don't -- actually, I don't recall masturbating. I recall watching something on my personal device, which I have admitted to.

*Id.* at 230:1-13.

92. Brann continues in his false testimony by denying physical injuries, again, that he caused to Marcelle that are supported by concurrently made medical records documenting his abuse:

"Q Do you recall her going to a doctor in February of 2012 to be treated for bruises?

A No, sir.

Q Were you aware of it at the time?

A No, sir.

Q And what is your testimony as to whether you would have been responsible for causing any bruises to her in the early part of 2012?

A My testimony is that I never caused a bruise on my ex-wife.

Q Not at all, at any time?

A No, sir.

Q Even when you slapped her?

A No, sir.

Q Even when you pulled the hair?

A No, sir.

Q Even when you threw her into the wall?

A No, sir.

Q All right. And not even when you threw her on the bed, right?

A No, sir.

Q Not when you broke a TV, correct?

A No, sir.

Q Not when you slammed a hole into the wall, right?

A No, sir.

Q All right. Now, do you have any idea where she received bruises when she reported to a doctor in February of 2012?"

*Id.* at 194:15-195:17.

93. If that were not enough, Brann refused to admit to his own voice on tape threatening the life of his wife:

"Q With the transcription that said, ""You had better answer the phone."" Is that a call from you as well? Do you recall it?

A I do not recall the --

Q That's all I have --

A -- the phone call."

CRIMINAL TRIAL, Day 4 (14:10-16), Exhibit 18. He continues:

"Q Did you have a lot of time -- well, never mind. Is it your testimony under oath now that you do not remember that conversation that we just played that is Exhibit 266?

A Mr. Hardin, the truth, the whole truth, and nothing but the truth, I do not remember that phone call.

Q If I were to tell you and suggest to you that it was April the 26th of 2013, would that still be your testimony?

A I can testify that I do not remember that phone call."

*Id.* at 21:10-19.

94. But the most compelling testimony from Brann is that he admits when he filed criminal charges, which happens to be immediately following the entry of the Decree of Divorce finalizing the Divorce and Custody Action:

"Q I understand. Did you ask them to file criminal charges at any time before November the 15th?

A No, sir. I never asked anyone to file criminal charges. I asked them to investigate the case and help me get my child back."

*Id.* at 108:14-18. The entry of this Decree cemented Brann's fraud on the court in the Divorce and Custody Case, which paved his road to pitch his fraudulently obtained judgment to the US Attorney. . . 2 years after Marcelle left for Brazil and did not return.

95. In just testimony under oath, Brann's pattern of fraud has, at this point, extended from the Divorce and Custody Case/Trial, through his testimony in front of the US House of Representatives, through the US Senate, and now in the United States Federal Court, and all of this standing on the shoulders of his fraudulently-obtained judgment from the Texas family court in what is likely the worst excuses for a "trial" in the history of Texas jurisprudence. Whatever it is, it certainly is fraud committed by Brann that has caused severe and irreparable damages to Carlos and Jemima Guimaraes.

***Brann's Fraud is Revealed During his Victim Impact Statement; and Continued at the Restitution Hearing for the Criminal Trial.***

96. Brann's pre-written speech that he delivered to the Federal Court during his Victim Impact Statement at the Sentencing Hearing of the Criminal trial (December 12, 2018) revealed, but did not end, his pattern of fraud. Unveiling for the first time his fraudulent plan, Brann directly

revealed that the basis for his plan was borne during the Divorce and Custody Case when his counsel obtained the infamous August 9, 2013 Modification Order from the court stating, “The Court finds that the allegations made by Marcelle Guimaraes related to Chris Brann being a danger to the child or having negative parenting attributes to be false and made with malice.” SENTENCING HEARING TRANSCRIPT, VICTIM IMPACT STATEMENT, Exhibit 38. Brann actually quoted this language verbatim, almost 5 and one-half years later, during his pre-written speech as if he written it himself when he stated:

Every single day that I am deprived of my rights as a father is perpetuating this ongoing crime. I have years of legal bills ahead, and I simply refuse to give up on my son.  
I pray that this Court will consider that Mercelle’s claims against me were rejected as **false and made with malice by the Texas Family Court.**

*Id.* at (81:17-24) (emphasis added).

97. During this same speech, Brann made allegation after allegation about Carlos, Jemima and Marcelle Guimaraes that were false, unfounded, and had never been mentioned by him in any of his prior statements, all made under oath, but now propounded by him in an obvious attempt to further disparage Plaintiffs in this Victim Impact Statement, *not* made under oath to the extent that the Court had to respond to proper objection by stating, “And as to the allegations or statements he’s making have been unproven that I have no evidence of, I consider them as such.”

*Id.* at 77:3-13.

98. Brann made fictitious allegations such as the Guimaraes’ exercised some “incredible political influence” to “change” rulings. He made allegations of “careful and meticulous planning” for months, if not years, by Carlos and Jemima even though the jury in that very court found unquestionably that Carlos and Jemima had in no way conspired to kidnap Nico. Brann accused Carlos of giving “the security guards instructions” and claimed Carlos was paying

for them, even though, during his testimony at the Restitution Hearing on January 17, 2019, Brann seeks restitution for “the security guards” that he was paying for.

99. Brann simply and unadulteratedly outright lied to the Federal Court during his Victim Impact speech. He stated:

In more than five years and more than 20 different visits to Brazil with countless petitions to the Courts, this same family court that they reference to that ostensibly believed their claims of domestic violence, this judge never agreed to meet me or have a hearing or allowed me to testify.

*Id.* This is one of the most striking blatant acts of fraud by Brann as he not only did Brann appear in court in Brazil, he testified (which was transcribed) and admitted his own acts of family violence in that testimony. BRANN BRAZIL TESTIMONY, Exhibit 29. Further, the overwhelming majority of his visits to Brazil were to spend time and legally allowable visitation with his son.

100. Empowered further by the verdict in the Criminal Trial that was ultimately engineered by his fraud, he more brazenly lied in his attempt to obtain restitution damages of over first, \$1.4 million (later reduced to \$1.25 million, which ultimately resulted in an award of \$36,000), which also revealed his true motive – to cause harm to Marcelle and to cause harm to her family in what is most likely a deviant and bizarre lashing-out from his loss of the women he sought to covet, control and imprison, and further his current opulent lifestyle. His modified submission to the Federal Court for restitution damages of over \$1,244,699.84 was then reduced during the hearing to \$772,849.57 after a number of unsupportable and false numbers were uncovered in Brann’s submission to the Court.

101. During his testimony, Brann claimed that he had made no attempt to recover any attorney’s fees for lawyers related to US representation, but then was forced to admit that he included, in his submission, \$181,066.27 of payments to his US attorney and spin-doctor, Jared Genser of Perseus Strategies, who interestingly has not appeared as counsel of record for Brann in

any court, but has charged Brann in excess of \$180,000. RESTITUTION HEARING TRANSCRIPT, Exhibit 39 (beginning on page 68).

102. Brann also made false allegations as to his alleged lost income claiming lost wages of \$150/hr. However, upon examination, it was revealed that Brann knowingly used this hourly rate for years that he ultimately admitted that he was not making anywhere near that hourly rate (inflated by over 50%), and also submitted a personally-crafted letter from his employer stating his current hourly rate, but which he then used to falsely claim that such number was always his hourly rate. *Id.* (beginning on page 55). Given the fuzziness of his calculations and the complete lack of support for an attempt to prove the time he missed work with even a modicum of accuracy, it is difficult to tell the staggering amount he artificially inflated his purported damages.

103. What is equally difficult to establish is the probable impact of Brann's lies on the lawyers from the US Attorney's office who prosecuted this case based on his story, and submitted for restitution damages in an amount 35-times higher than what was ultimately awarded, and nearly twice what was finally submitted to the Court after examination of Brann at the hearing.

104. Brann's restitution damages, by order of the Federal Court, ended up at \$36,000.

**The Horrifying and Unjust Damage to Carlos and Jemima.**

105. The horror that Carlos and Jemima Guimaraes have been forced to endure was undoubtedly and unquestionably caused by the unlawful acts committed by Brann. The irreparable financial and emotional damages sustained by the Guimaraes family stems directly from Brann's fraudulent acts and his fraud on the court that led to the criminal prosecution of Carlos and Jemima, so much so that the US Attorney's office made the fraudulently obtained judgment in the Divorce and Custody case their principal basis for probable cause in the criminal complaint. The Affidavit in Support of Criminal Complaint states unequivocally:

On February 19, 2015, the Texas Court of Harris County found Marcelle Guimaraes liable for wrongfully retaining possession of

and concealing the whereabouts of [redacted] contrary to the possessory rights of Christopher Scott Brann and that such conduct was done with malice and intent to cause harm. It is further ordered that the primary residence of [redacted] shall be Harris County, Texas. Based on all the forgoing information and facts, I believe there is probably cause to believe Marcelle Guimaraes, Carlos Guimaraes and Jemima Guimaraes

- Removed a child from the Unites States, or attempts to do so, or retains a child (who has been in the United States) outside the United States with the intent to obstruct the lawful exercise of parental rights in violation of Title 18 United States Code 1204 and,

I believe there is cause to believe, Marcelle Guimaraes, Carlos Guimaraes and Jemima Guimares [sic]

- Conspired to either commit any offense against the Unites States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do act to effect the object of the conspiracy in violation of Title 18 United States Code, Section 371.

CRIMINAL COMPLAINT, Exhibit 40 at para. 11.

106. What is clear is this—Brann set out on a path to unlawfully inflict pain on the Guimaraes family, and most specifically, Carlos and Jemima who did nothing other than provide a safe haven for their only daughter and their grandchild to escape Brann’s deviance and continual pattern of terror. He did so through his continual pattern of fraud that has yet to cease. He has defrauded the Harris County District Court, the Federal District Court, the US Attorney’s office, the Federal Bureau of Investigations, the United States House of Representatives and the United States Senate. He has defrauded the media and the public. He has defamed Carlos and Jemima Guimaraes with impunity and without shame in his actions. He has dragged Carlos and Jemima through press, through a painful criminal trial, through incarceration and now through a sentence of a term in Federal prison. He has forsaken his family, his now former wife, his child and his religion, Latter Day Saints. And he has inflicted harm beyond repair.

107. Carlos and Jemima Guimaraes have had to endure the pain and embarrassment of a criminal trial, being taken from an airplane in handcuffs and being treated like common



criminals. They have been forced to endure hundreds of thousands of dollars in attorney's fees, having the bulk of their life savings held up by the judicial system, having their names and reputations tarnished irreparably, and now, they have been forced to endure incarceration by way of jail, confinement in their own home, and upcoming, in the Federal Penitentiary. In their late stage of life, when they should be enjoying the retirement they have earned and the life they have built, they are instead suffering in a way that is unimaginable, and all at the hand of some form of misplaced aggression and sociopathic revenge for having to sleep in the bed he made. And further than that, as his actions in the Criminal Trial establish, he did it for money.

***The Long Con – Victim in the Public Eye, But a Public Life of Lavishness When the Press Isn't Looking.***

108. August 14, 2015 marks a significant day for Brann. Only 7 months after the Divorce and Custody Case trial, and while he is proclaiming himself a victim in the family court who suffers daily from the supposed tragedy of the alleged taking of his son by his ex-wife (whom he told himself to go back to Brazil), and 3 months before his Decree of divorce was even entered, Brann married self-proclaimed lifestyle blogger, 22-year old Lora Navarro (now Lora Brann). Brann's relationship with the 22-year old Navarro began after Brann left the marital estate *during* the Divorce and Custody Case while Brann was proclaiming himself in continuing alleged despair of his son's departure to Brazil. The two now reside in the same home where Brann's domestic violence led to Marcelle's fleeing for her life and not only before "the ink was dry" on the divorce, but before the ink even hit the paper. 3 months before, in fact.

109. One look at Lora (Navarro) Brann's "lifestyle and fashion blog" provides direct insight into a clear motive for Brann's fraud, which was apparently motivated by his desire to create a lifestyle of "fashion" and opulence and shower his new bride with expensive gifts including, but not limited to: trips and vacations, shoes, expensive furniture, jewelry, a "second" Tiffany's band for her first wedding anniversary, extravagant parties, a Porsche Cayenne (valued

at between \$65,000-\$115,000 depending on options), (BRANN-NAVARRO PHOTOS, Exhibit 41) and \$30,000 in purses alone. Lora Brann’s purse collection includes, but is not limited to:

<u>No.</u>	<u>Description</u>	<u>Retail Price</u>
1.	Louis Vuitton Neverfull MM	\$1,320.00
2.	Gucci GG Marmont matelassé mini bag – Pink	\$980
3.	Gucci Dionysus leather mini bag black	\$1,980
4.	Gucci Sylvie Embroidered Leather Top-Handle Satchel Bag, Light Blue/Multi	\$3,495
5.	Gucci Padlock small GG shoulder bag beige	\$1,750
6.	Louis Vuitton Twist MM	\$3,550
7.	Givenchy Antigona Mini	\$1,790
8.	Prada Espalante Leather Bag	\$2,590
9.	Louis Vuitton Neverfull Mm Damier Azur Tahitienne Multicolor Canvas Tote	\$1,570
10.	Chanel small flap bag with top handle	\$5,600
11.	Yves Saint Laurent LOULOU MEDIUM BACKPACK IN MATELASSÉ “Y” LEATHER	\$1,990
12.	Valentino Garavani Medium Lock Studed Leather Shoulder Bag	\$2,295
13.	Celine Nano Luggage Bag in Drummed Calfskin	\$2,700
	<b>TOTAL</b>	<b>\$31,610</b>

NAVARRO PURSE COLLECTION, Exhibit 42.

110. So the storyline goes:

Between 2012 and 2014, Brann moves out of the marital estate, meets the 22-year old Navarro then courts and apparently proposes to Navarro. Following this. . .

2/19/15 Brann testifies in the Divorce and Custody Trial about how painful his life is including:

- His financial woes that were “devastating” to him.
- The trauma of being separate from his son.
- His “world was crushed.”
- 

8/14/15 Brann marries Navarro approximately 7-months later beginning with a lavish wedding and wedding ring. Brann’s opulent purchases get in to full swing.

11/5/15 Divorce Decree entered; Brann files criminal complaint.

7/14/16 Brann testifies in Congress about his victim status and that this has been “the three longest years of his life.”

Brann’s lavish spending continues.

- 11/24/17 Brann and Navarro give birth to their son
- 2/12/18 Brann’s interview airs on ABC with his tale of his victim status including “it’s an isolated and lonely road;” accuses Carlos and Jemima of kidnapping
- 4/24/18 Brann tells his “victim” tale to the US Senate including:
- The pain only gets worse
  - Nico’s room in his house is like a mausoleum
  - Brann makes no mention this this same house is occupied by himself, his wife and child at the time of that interview.
  - Brann complains that he can’t go see Nico because he owes \$50,000 in back child support.
- Brann’s lavish spending continues even though he owes \$50,000 in back child support.
- 12/2018 Brann requests approximately \$1.4 million in “restitution” from the Criminal Trial.
- 1/12/19 Brann reduces his restitution request to \$1,244,699.84.

Apparently, the lavish lifestyle tab was mounting.

111. The reality here is simple. To the public eye, he plays the lonely, devastated, and financially damaged victim who can barely survive other than to fight for the return of his son who even he encouraged to go back to Brazil with his ex-wife. In private, and in his other public persona seen most clearly through the eyes of his new wife (and well, of course, the vanity of her “lifestyle and fashion blog” and social media posting with a frequency greater than the sweep of the second hand of a watch), his life is full of happiness and significant materiality. The conclusion can only be that he sought the use of the United States Government to prosecute Carlos and Jemima Guimaraes to line his pockets and further the lifestyle of his new family, at whatever the cost.

## **IX. CAUSES OF ACTION**

### **A. FRAUD ON THE COURT.**

112. The preceding paragraphs are incorporated herein for all purposes.

113. This is a civil liability case in which it has become necessary for Plaintiffs to bring a lawsuit by reason of the profound fraud upon the court perpetrated by Defendant Brann. Brann made, as outlined herein, numerous fraudulent representations to courts of the State of Texas and the United States as well as the US House of Representatives and US Senate.

114. Pleading in the alternative, if such is necessary, Defendant Brann committed fraud upon the Court. Defendant made material misrepresentations that were made with knowledge of their falsity or recklessly without any knowledge of the truth as a positive assertion, with the intention that they should be acted on, and such misrepresentations were relied upon. Alternatively, Defendant committed fraud by failing to disclose a material fact within the knowledge of Defendant, Defendant knew such material facts were unknown to others and with intention to induce action by failing to disclose such facts. Plaintiffs have suffered injury as a result.

115. Defendants' fraudulent actions include, but are not limited to:

- (a) Fraudulent utilization of the judicial system;
- (b) Providing fraudulent testimony to the Harris County District Court;
- (c) Providing fraudulent testimony to the United States House of Representatives;
- (d) Providing fraudulent testimony to the United States Senate;
- (e) Providing fraudulent testimony to the United States District Court;
- (f) Providing fraudulent information to the Federal Bureau of Investigations;
- (g) Providing fraudulent information to the Office of the United States' Attorney;
- (h) Securing judgments through fraud;
- (i) Securing criminal verdicts through fraud;
- (j) Fraudulently extracting monies from Plaintiffs through false

testimony;

- (k) Perjury;
- (l) Knowingly permitting the filing of false affidavits, pleadings and/or other legal documents;
- (m) Knowingly permitting the prosecution of legal action based on false or fraudulent information;
- (n) Prosecuting legal action based on fraudulent information;
- (o) Fraudulently inducing the court system of the United States and the State of Texas to take action in reliance upon fraudulent testimony/evidence;
- (p) Using the United States and State of Texas Court systems to fraudulently and unlawfully cause harm or injury to another for nefarious purposes; and
- (q) Further actions related to the above.

116. Defendants' fraudulent actions caused damages to Plaintiffs for which they seek recovery herein in all forms of damages to which they are entitled.

**B. VIOLATIONS OF TEXAS PENAL CODE § 37.08 – FALSE REPORT TO A PEACE OFFICER.**

117. The preceding paragraphs are incorporated herein for all purposes.

118. Texas Penal Code § 37.08 provides:

- (a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to:
  - (1) a peace officer or federal special investigator conducting the investigation; or
  - (2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation.

119. Pleading in the alternative, if such is necessary, Defendant's criminal complaint and report of an alleged crime were both false and material to the criminal investigation that led to

Plaintiffs' arrest and incarceration. Such false and material statements of Defendant were made to a peace officer or federal special investigator conducting the investigation, giving rise to liability and causing damages to Plaintiffs.

**C. VIOLATIONS OF TEXAS PENAL CODE § 20.02 – FALSE IMPRISONMENT.**

120. The preceding paragraphs are incorporated herein for all purposes.

121. Texas Penal Code § 20.02 provides:

- (a) A person commits an offense if he intentionally or knowingly restrains another person.

122. Pleading in the alternative, if such is necessary, Defendant's actions were intended to, and did, cause, directly or indirectly and intentionally through another, unlawful imprisonment of Plaintiffs. It is specifically pled herein that, although such imprisonment was carried out by legal instrument and through legal authority, such actions were facilitated by Defendant's fraud, rendering such imprisonment without legal authority.

**D. FALSE IMPRISONMENT - CIVIL.**

123. The preceding paragraphs are incorporated herein for all purposes.

124. Pleading in the alternative if such is necessary, pursuant to Texas law, a person commits the civil act of false imprisonment if the person willfully detained a person, such detention was without such person's consent, and such detention was without legal authority or justification. Defendant's actions were intended to, and did, cause, directly or indirectly and intentionally through another, unlawful imprisonment of Plaintiffs. It is specifically pled herein that, although such imprisonment was carried out by legal instrument and through legal authority, such actions were facilitated by Defendant's fraud, rendering such imprisonment without legal authority.

**E. SLANDER AND SLANDER *PER SE***

125. The preceding paragraphs are incorporated herein for all purposes.

126. Pleading in the alternative, if such is necessary, Defendant has defamed Plaintiffs

by way of slander and slander *per se* in that Defendant: (1) published a statement; (2) that defamed the plaintiff; (3) while either acting with negligence regarding the truth of the statement; and (4) that has caused damages to the Plaintiff. Some or all of the defamatory statements published by Defendant accuse Plaintiffs of the commission of a crime, which constitutes slander *per se* relieving Plaintiffs of any burden of establishing damages as damages for such slanderous statements are presumed.

127. To that end, Defendant has published, at minimum, the following defamatory statements about Plaintiffs to the United States Senate Committee on the Judiciary, to wit:

- 1) And since my ex-wife's parents were arrested and are facing a Federal criminal prosecution for parental child abduction and conspiracy and despite my ex-wife being a fugitive from justice. . .
- 2) Evidence that my ex-wife and her family pre-meditated my son's abduction came from her own court filings in Brazil.

128. Brann also defamed Plaintiffs in his unsworn "Victim Impact Statement" made voluntarily, to wit:

- 1) And while Nico was living in the house of these two Defendants for three years, they inflicted the worst kind of pain on me, things so inhumane that it is near impossible to relive. After waiting weeks at a time with absolutely no contact, begging day after day after day to be able to see my son,
- 2) It was Carlos Guimaraes who gave the security guards instructions. It was Carlos who was paying them. It was Carlos who sent them to follow my family to the airport or to come into the hotel room to harass us on days we didn't even have Nico. Every single pick up in five years was to Jemima and Carlos. In five years, I saw Marcelle twice, once at the courthouse and once at the school.
- 3) It was these nice grandparents, this nice grandmother Jemima, who told my own father, Nico's grandfather, who had only been able to come down to Brazil twice before when he begged her to allow him to see Nico one more day before he left back to the United States because he had to go

back to work, it was this nice grandmother who gave him a big smile and said no.

- 4) It was these wonderful grandparents who were cheering and laughing and celebrating in the court when they learned a federal judge had reversed a prior federal judge's order to allow me to see Nico unsupervised. It was these caring grandparents who put my son on an airplane to another city so that I wouldn't be able to see him on multiple trips when they simply didn't want to deal with me.
- 5) How is it that the people who broke the law, lied to the Courts, and continually try to injure me get to decide that I can't see my son except when they dictate it?
- 6) They sought to enforce their own brand of vigilante justice undermining the Court orders that they were subject to, lying to the Court about their intentions to return in order to secure safe passage to Brazil where they had gone forum shopping, something Mr. Hardin just admitted to, and succeeding and obtaining full custody of my son, stripping me of my parental rights and making a mockery of the United States judicial system.
- 7) Your Honor, this abduction had been planned for months, if not years. Only eight days after arriving, Marcelle filed a motion in an ex parte proceeding in order to gain an order of custody prior to the return date. It contained hundreds of documents that had been translated six months prior to arriving. This Court already knows of the enrollment forms and the employment contracts, the e-mails assuring me that he would return, the changed plane tickets, all while surreptitiously trying to secure a custody order in Brazil.
- 8) This was carefully planned and meticulously executed by these Defendants and their daughter. These two Defendants are not the marginalized disenfranchised immigrant Latin-American grandparents who are the victims of circumstances nor is this a case of vicarious liability. It was not ignorance that led to their arrest. It was hubris. They are shrewd, cunning, and intelligent professionals who knowingly and willingly broke the law. They entered this country thinking that they were untouchable as they are in Brazil. Now, even today, they continue to argue that they are the victims. They accept no responsibility for their choices.
- 9) What they really are is wealthy, highly educated, highly successful Americans who knew they couldn't abide a



verdict against them so they abducted my innocent son to a country where they could guarantee success instead of honoring a social contract that our society is based upon that they themselves submitted to and which our judicial system exists to protect.

10) When Carlos and Jemima didn't like legal actions or legal decisions, they either employed their incredible political influence to change the ruling or they simply refused to follow any orders that they themselves have not dictated knowing in Brazil they can act with total impunity.

11) Carlos and Jemima could have cut off Marcelle at any point. They could have returned Nico. They have chosen not to. Instead, they have launched an endless assault on my character and have tried relentlessly to get me fired from my job. They have sought to portray themselves as victims and have hidden behind their own daughter, placing all the blame on her and claiming that they are powerless to influence her. They believe that there is virtue in their victimhood propagating a false narrative knowing that it is the easiest route to avoid accepting responsibility for their own actions. They know that at the time of the abduction Marcelle and I had been separated for 17 months. They know that the US Court was investigating actively all the claims that she had made. They knew that a Court-appointed child psychologist and a Court-appointed amicus attorney were evaluating those claims. They knew that the United States Government's court in the 308 had jurisdiction of my son because they knew that Marcelle who had filed for divorce had petitioned the US Government to be the jurisdiction to decide the very things that they fled to Brazil to then adjudicate in an ex parte fashion. They have sought to convince this Court that a lifetime of prior good behavior precludes them from the ability to inflict a lifetime of pain on me, my son, and my family, as if their identity as grandparents is somehow synonymous with their morality. They were not manipulated into conforming to their daughter's will, they embrace it because it aligned with their preexisting and intense desire to raise their only grandson in Brazil. Even now they are actively supporting their daughter in the illegal retention of my son against Texas Court orders. They continue to finance the abduction, and they continue to facilitate his alienation from me.

129. Further, Brann's agent, Jared Genser, has made the following defamatory comments in his public commentary on December 12, 2018:

This is a case of an ongoing crime. Let's not forget that. Carlos and Jemima Guimaraes have been, in substantial ways, throughout this case as Chris will describe in his victim impact statement, directly and personally responsible for every aspect of Nico's abduction – from the beginning to the middle to the present. And they're continuing to finance their daughter being able to live in Brazil. You know they claim that they can do nothing to impact their daughter's decision making. Cutting her off would have a big impact on her decision making and would force her to re-evaluate the situation. They're just not willing to do that and it's not what they want to do. You know this is a couple that's been able with total impunity to get away with anything you can imagine in Brazil.

130. Brann is liable for the statements of Genser by way of *respondeat superior* as Genser is an agent of Brann and Genser's actions were:

- (a) authorized by Defendant;
- (b) the conduct of employees Defendant employed in a managerial capacity who were acting in the scope of that capacity;
- (c) the conduct of unfit employees Defendant recklessly employed; or
- (d) ratified by an employee or manager of Defendant.

131. These unlawful actions are the direct and proximate cause of damages suffered by Plaintiffs for which they seek recovery for herein of all lawful damages to which they may show themselves justly entitled.

## **X. DAMAGES**

132. The preceding paragraphs are incorporated herein for all purposes.

133. Plaintiffs hereby seek recovery of all available damages to which they are or may be entitled for any cause of action or remedy they have pled or that may be asserted in any future pleading.

134. Plaintiffs further seek to recover pre-judgment interest and post-judgment interest for all damages and reserve the right to amend and state further the amount of their actual damages.

## **XI. PUNITIVE DAMAGES**

135. The preceding paragraphs are incorporated herein for all purposes.

136. Plaintiffs seek punitive damages in an amount commensurate with: a) the nature of the wrongs committed by Defendant; b) the inhumane character of Defendant' course of conduct; c) the degree of culpability of the wrongdoers herein; d) the helpless and dependent nature of the victim in this case; and e) the and degree to which the conduct described hereinabove offends the public sense of justice. Defendant's conduct alleged hereinabove justifies an award of exemplary damages in an amount sufficient to deter Defendant from engaging in this conduct in the future.

## **XII. PRE-JUDGMENT AND POST-JUDGMENT INTEREST**

137. Plaintiffs seek pre- and post-judgment interest at the highest rate provided by law.

## **XIII. RESERVATION OF RIGHTS**

138. Plaintiffs reserve the right to prove the amount of damages at trial. Plaintiffs reserve the right to amend their Petition and add additional counts and/or parties as discovery continues.

## **XIV. CONDITIONS PRECEDENT**

139. Pursuant to Rule 54 of the Texas Rules of Civil Procedure, all conditions precedent to Plaintiffs' rights to recover and Defendant' liability have been performed or have occurred.

## **XV. JURY DEMAND**

140. Plaintiffs demands a trial by jury on all issues set forth herein and tenders the applicable fee.

## **XVI. REQUEST FOR DISCLOSURE**

141. Pursuant to TEX. R. CIV. P. 194 of the Texas Rules of Civil Procedure, Defendant are requested to disclose, within 50 days of service of this request, the information or material described in TEX. R. CIV. P. 194.2 (a) through (l).

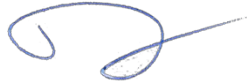
**XVII. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that citation be issued and served upon the Defendant, commanding him to appear and answer herein and that upon final hearing of this cause, that Plaintiffs have a judgment against Defendant in an amount to be determined by the Court and Jury, for all damages, plus pre-judgment interest and post-judgment interest, costs of Court, and for such other and further relief, at law or in equity, both general and special, to which Plaintiffs may show themselves justly entitled. Plaintiffs also pray for actual, exemplary and punitive damages in an amount that exceeds the minimum jurisdictional limits of the Court.

DATED this 12th Day of February, 2019.

Respectfully submitted,

**JEFF DIAMANT, P.C.**



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**JEFF DIAMANT**

State Bar No. 00795319

909 Fannin St., 25<sup>th</sup> Floor

Houston, Texas 77010

Phone: (713) 789-0111

Fax: (888) 798-0111

Email: [jeff@jeffdiamantlaw.com](mailto:jeff@jeffdiamantlaw.com)

ATTORNEY FOR PLAINTIFF