

CAUSE NO. _____

**MINDI LITTLE, Individually, as
wrongful death beneficiary, and as
representative of the Estate of JAMES
LITTLE
Plaintiff**

vs.

**WILLIAM EDWARDS and
CARRIZALES TRANSPORTATION,
Defendants**

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IN THE _____

JUDICIAL DISTRICT COURT

HARRIS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION
AND REQUESTS FOR DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Mindi Little, Individually, as wrongful death beneficiary, and as representative of the Estate of James Little, hereinafter referred to as "Plaintiff", and files this her Original Petition complaining of William Edwards and Carrizales Transportation, and for cause of action would respectfully show the Court the following:

1.00 DISCOVERY CONTROL PLAN

Pursuant to Texas Rule of Procedure 190.1, discovery is intended to be conducted under Level 2 of Rule 190.4 of the Texas Rules of Civil Procedure.

2.00 PARTIES

2.01 Mindi Little is an individual and a citizen of the State of Texas. She is the surviving daughter of James Little, deceased who was also a citizen and resident of Texas.

2.02 Defendant, William Edwards is an individual and a citizen of the State of Texas. Defendant can be served with process by serving him at his home address, 14531 Ella Blvd., Apt. 2505, Houston, Texas 77014, or wherever he may be found.

2.03 Carrizales Transportation, is a Texas company which can be served by serving its owner Rogelio Carrizales at his home address, 14316 Sellers Road, Trlr 5, Houston, Texas 77060, or wherever he may be found..

3.00 JURISDICTION & VENUE

3.01 The amount in controversy is within jurisdictional limits of this Court.

3.02 Harris County is the proper venue for this action pursuant to the Texas Civil Practice and Remedies Code, Section 15.002(a)(1), *et seq.*, because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

4.00 STATEMENT OF FACTS

4.01 On July 22, 2011, James Little was involved in a minor fender bender with another vehicle on Highway 290 in Harris County, Texas. Mr. Little safely maneuvered his vehicle to the right shoulder of Highway 290 and proceeded to exchange information with the other motorist. Suddenly and without warning, an 18-wheeler driven by William Edwards drove onto the shoulder and rear ended Mr. Little's vehicle. As a result of the impact caused by the 18-wheeler, Mr. Little was ejected from his vehicle and sustained life ending injuries.

4.02 At the time of the collision William Edwards was employed by or the agent acting on behalf of Defendant Carrizales Transportation and William Edwards was operating a motor vehicle in the course and scope of his employment and/or agency on behalf of Defendants Carrizales Trucking and Carrizales Transportation.

4.03 As a direct and/or proximate cause of the collision James Little was subjected to an extremely frightening and agonizingly painful set of events that culminated in his death.

5.00 CLAIMS AGAINST DEFENDANT WILLIAM EDWARDS

5.01 At all times relevant to the occurrence in question, William Edwards had a duty to act as a reasonable and prudent motorist would have acted under the same or similar circumstances. William Edwards breached this duty in one or more respects including, but not limited to: failing to maintain a proper lookout, failing to keep his vehicle under control, failing to control the speed of his vehicle, failing to take proper evasive action, failing to apply his brakes in a manner sufficient to avoid the accident, and/or failing to maintain a single lane of travel.

5.02 The above acts and/or omissions were a proximate cause of the collision in question and the resulting injuries and damages sustained by James Little and Plaintiff.

6.00 CLAIM AGAINST DEFENDANT CARRIZALES TRANSPORTATION.

6.01 Defendant Carrizales Transportation is vicariously liable for the damages proximately caused to James Little and the Plaintiff by virtue of the negligent conduct of its driver/employee/agent, Defendant William Edwards.

6.02 At the time of the subject collision, William Edwards was an employee and/or agent of Defendant Carrizales Transportation. Further, William Edwards was acting within the course and scope of his employment and/or agency relationship on behalf of Defendant Carrizales Transportation at the time of the subject incident. That is, William Edwards was acting in furtherance of the business of his employer and/or master.

6.03 Therefore, Defendant Carrizales Transportation is vicariously liable to Plaintiff for the negligent acts and/or omissions of its employee/agent, William Edwards, on the basis of *respondeat superior* and/or agency law.

7.00 **PROXIMATE CAUSE AND DAMAGES**

7.01 As a direct and proximate result of the negligent acts and/or omissions of Defendants, Plaintiff has suffered substantial damages for which she seeks recovery from Defendants.

7.02 Mindi Little, as the surviving daughter of James Little, seeks wrongful death damages on behalf of herself individually consisting of past and future pecuniary loss, past and future loss of companionship and society, past and future mental anguish, and past and future loss of household services due to the wrongful death of her father, James Little.

7.03 Mindi Little, as the surviving daughter of James Little seeks survival damages for the conscious pain and mental anguish suffered by James Little before his death, past medical expenses for medical treatment received by James Little for his injuries and the reasonable funeral and burial expenses incurred on behalf of James Little.

7.04 Plaintiff also seeks recovery for all costs of court, and prejudgment and post-judgment interest in the maximum amounts allowable by law.

8.00 **PRAYER**

Plaintiff respectfully prays that Defendants be cited to appear and answer herein, and that upon a final hearing hereof, Plaintiff recover a judgment over and against the Defendants for the damages as pled herein in amounts the jury determines to be fair and reasonable, and for such other and further relief, at law and in equity, to which the Plaintiff may show herself justly entitled.

Respectfully submitted,
GROSSMAN LAW OFFICES, P.C.



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