

DC-21-17165

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

<b>JACQUELINE VEALS, INDIVIDUALLY,</b>	§	<b>IN THE DISTRICT COURT</b>
<b>AND AS PERSONAL REPRESENTATIVE</b>	§	
<b>OF THE ESTATE OF FRED DOUGLAS</b>	§	
<b>VEALS, JR., DECEASED,</b>	§	
<b>Plaintiff,</b>	§	162nd
	§	
<b>v.</b>	§	<b>_____ JUDICIAL DISTRICT</b>
	§	
<b>CITY OF LANCASTER, CITY OF</b>	§	
<b>LANCASTER FIRE DEPARTMENT,</b>	§	
<b>DANNY BURTON EMT,</b>	§	
<b>JAMES SHELTON EMT,</b>	§	
<b>CADE WHITSON EMT,</b>	§	
<b>REGGIE STERNS EMT,</b>	§	
<b>KRISTOPHER LEWIS EMT,</b>	§	
<b>GERARDO CERVANTES EMT,</b>	§	
<b>BAYLOR SCOTT &amp; WHITE HEALTH,</b>	§	
<b>BAYLOR SCOTT &amp; WHITE HEALTH, LLC,</b>	§	
<b>BAYLOR UNIVERSITY MEDICAL</b>	§	
<b>CENTER AT DALLAS, AND</b>	§	
<b>CARA BRIANNE NORVELL, D.O.,</b>	§	
<b>Defendants.</b>	§	<b>DALLAS COUNTY, TEXAS</b>

**PLAINTIFF’S ORIGINAL PETITION AND JURY DEMAND**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Jacqueline Veals, Individually, and as Personal Representative of the Estate of Fred Douglas Veals, Jr., Deceased, hereinafter “Plaintiff,” complaining of and about City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., hereinafter collectively “Defendants,” and files this Plaintiff’s Original Petition and Jury Demand, and for cause of action respectfully shows the Court as follows:

## DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.4 because the discovery needs to be tailored to the circumstances of this complex and multiple parties medical malpractice cause, and the Plaintiff affirmatively asserts that this cause is not governed by the expedited-actions process under Texas Rule of Civil Procedure 169.

## CLAIM FOR RELIEF

2. Pursuant to Texas Rule of Civil procedure 47(c), Plaintiff states that she seeks monetary relief including damages of any kind, penalties, costs, expenses, pre-judgment interest and post-judgment interest. Pursuant to TEX. R. CIV. PROC. 47, Plaintiff is seeking damages within the jurisdictional limits of the Court. Pursuant to TEX. CIV. PRAC. & REM. CODE § 74.053, Plaintiff is not permitted to specify an amount of money claimed as damages. Damages sought exceed both the jurisdictional limits of the Court and the limits of Rule 169 of the TEXAS RULES OF CIVIL PROCEDURE.

## PARTIES AND SERVICE

3. Plaintiff, **JACQUELINE VEALS, INDIVIDUALLY, AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF FRED DOUGLAS VEALS, JR., DECEASED**, is an individual who resides in Dallas County, Texas. Pursuant to TEX. CIV. PRAC. & REM. CODE § 30.014, Plaintiff states that the last three numbers of her Texas driver's license are 249 and the last three numbers of her social security are 281.

4. Defendant, **CITY OF LANCASTER**, is a municipality and may be served with process by serving the city's manager: **Opal Mauldin-Jones, City Hall, 211 N. Henry Street, Lancaster, Texas 75146, or wherever the city manager may be found. Issuance of citation is**

**requested at this time to include language that “Defendant may be required to make initial disclosures.”**

5. Defendant, **CITY OF LANCASTER FIRE DEPARTMENT**, is a municipality and may be served with process by serving the city’s manager: **Opal Mauldin-Jones, City Hall, 211 N. Henry Street, Lancaster, Texas 75146, or wherever the city manager may be found.** **Issuance of citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

6. Defendant, **DANNY BURTON EMT**, is an individual who may be served with process at his place of business located at 1501 N. Dallas Avenue, Lancaster, Texas 75134, **or wherever Defendant may be found.** **Issuance of citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

7. Defendant, **JAMES SHELTON EMT**, is an individual who may be served with process at his place of business located at 1501 N. Dallas Avenue, Lancaster, Texas 75134, **or wherever Defendant may be found.** **Issuance of citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

8. Defendant, **CADE WHITSON EMT**, is an individual who may be served with process at his place of business located at 1501 N. Dallas Avenue, Lancaster, Texas 75134, **or wherever Defendant may be found.** **Issuance of citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

9. Defendant, **REGGIE STERNS EMT**, is an individual who may be served with process at his place of business located at 1501 N. Dallas Avenue, Lancaster, Texas 75134, **or wherever Defendant may be found.** **Issuance of citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

10. Defendant, **KRISTOPHER LEWIS EMT**, is an individual who may be served with process at his place of business located at 1501 N. Dallas Avenue, Lancaster, Texas 75134, **or wherever Defendant may be found. Issuance of citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

11. Defendant, **GERARDO CERVANTES EMT**, is an individual who may be served with process at his place of business located at 1501 N. Dallas Avenue, Lancaster, Texas 75134, **or wherever Defendant may be found. Issuance of citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

12. Defendant, **BAYLOR SCOTT & WHITE HEALTH**, is a Domestic Non-Profit Corporation and may be served with process by serving the registered agent, **Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3136, or wherever the agent may be found. Issuance of a citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

13. Defendant, **BAYLOR SCOTT & WHITE HEALTH, LLC**, is a Domestic Limited-Liability Company and may be served with process by serving the registered agent, **C T Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201-3136, or wherever the agent may be found. Issuance of a citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

14. Defendant, **BAYLOR UNIVERSITY MEDICAL CENTER AT DALLAS**, is a medical facility doing business in the State of Texas and may be served with process by serving the registered agent, **C T Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201-**

**3136, or wherever the agent may be found. Issuance of a citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

15. Defendant, **CARA BRIANNE NORVELL, D.O.**, is a physician licensed to practice medicine in the State of Texas, and may be served with process at her place of business: **Baylor University Medical Center at Dallas, Medical Emergency Department, 3500 Gaston Avenue, Dallas, Texas 75246-2017, or wherever Defendant may be found. Issuance of a citation is requested at this time to include language that “Defendant may be required to make initial disclosures.”**

#### **JURISDICTION AND VENUE**

16. The subject matter in controversy is within the jurisdictional limits of this Court.

17. This Court has jurisdiction over the parties, because said Defendants purposefully availed themselves of the privilege of conducting activities in the State of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendants, and the assumption of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

18. The damages incurred by Plaintiff and made the basis of this lawsuit are within the jurisdictional limits of this Court. Jurisdiction is proper because at least one of the Defendants is a Texas resident. Venue is proper in Dallas County under TEX. CIV PRAC. & REM. CODE §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to the claim occurred in Dallas County, Texas.

#### **MISNOMER/ALTER EGO**

19. In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification," "misnomer," and/or such parties are/were "alter

egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

### **PRE-SUIT NOTICE OF CLAIM**

20. Pursuant to TEX. CIV. PRAC. & REM.CODE §§ 74.051 and 74.052, written notice of the assertion of a health care liability claim with an Authorization for Release of Protected Health Information was sent to Defendants via certified mail, return receipt requested.

21. Alternatively, all conditions precedent to the bringing of this action have been fully met including compliance with TEX. CIV. PRAC. & REM. CODE §§ 74.051 and 74.052.

### **PHYSICIAN AND HEALTHCARE PROVIDER/PATIENT RELATIONSHIP**

22. At all times relevant to this lawsuit, a physician-patient and/or healthcare provider-patient relationship existed between the Fred Douglas Veals, Jr. and the Defendants.

### **STATEMENT OF FACTS**

23. This is a wrongful death and survival action on a medical malpractice / health care liability claim action brought against the Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., (collectively "Defendants") asserting claims and causes of action for personal injuries, harm, wrongful death, damages, interest, court costs, and general relief under the Texas Wrongful Death Act, Texas Survival Action Statute, the Texas Medical Liability Act, and other applicable law. The Plaintiff Jacqueline Veals asserts wrongful death and survival action claims and causes of action based upon medical and health care negligence and gross negligence of the Defendants arising out of the rendering of emergency medical services, medical, hospital, and/or health care

diagnosis, assessment, care, and treatment of Fred Douglas Veals, Jr. proximately resulting in his injuries, harm, damages, and death, and for injuries, harm, and damages to Plaintiff Jacqueline Veals.

24. On or about November 28, 2019, Decedent Plaintiff Fred Douglas Veals, Jr., was experiencing difficulty breathing and his spouse, Plaintiff Jacqueline Veals, called the City of Lancaster to request an ambulance service. At approximately 00:37:06 a.m. the City of Lancaster emergency medical services personal arrived at Plaintiff's home located at 1533 E. Springcrest Circle, Lancaster, Dallas County, Texas 75134. At approximately 00:57:32 a.m. the emergency personnel consisting of Defendants Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, and/or Gerardo Cervantes EMT, after placing Mr. Veals on the stretcher, started walking toward the emergency vehicle. As the emergency personnel carried Mr. Veals down some concrete steps, because Mr. Veals' body was not properly secured on the stretcher, Mr. Veals' upper body fell on the concrete steps causing a laceration to the right side of Mr. Veals' head and the emergency personnel had to apply bandages to try to control the bleeding. Mr. Veals was transported to Baylor University Medical Center where he was admitted. During this hospital admission, Defendant Cara Brianne Norvell, D.O. applied staples to Mr. Veals' head due to an assessed 4cm linear scalp laceration. Dr. Norvell was the attending emergency physician at Baylor University Medical Center. Following additional care at Baylor University Medical Center, Mr. Veals died on December 3, 2019.

25. The negligence of Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, in their failure to properly secure the Fred

Douglas Veals, Jr. and dropping him on his head, was a proximate cause of his injuries, damages, and resulting death.

26. The negligence of Defendants Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., in their failure to properly evaluate, diagnose, and treat Fred Douglas Veals, Jr.'s fatal head injury, was a proximate cause of his injuries, damages, and resulting death.

**NEGLIGENCE OF DEFENDANTS CITY OF LANCASTER, CITY  
OF LANCASTER FIRE DEPARTMENT, DANNY BURTON EMT,  
JAMES SHELTON EMT, CADE WHITSON EMT, REGGIE STERNS EMT,  
KRISTOPHER LEWIS EMT, AND GERARDO CERVANTES EMT**

27. By reason of the facts set forth in the paragraphs above, Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, and Gerardo Cervantes EMT, were negligent in failing to meet the applicable standard of care in their emergency medical services and care of Fred Douglas Veals, Jr. ("Decedent Plaintiff"), thereby proximately causing his injuries, damages and death.

28. At all times material to this cause, Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, and Gerardo Cervantes EMT, had a duty under Texas law to exercise reasonable and prudent emergency medical services and care under the same or similar circumstances for the diagnosis, assessment, care, and treatment of the illnesses and conditions of Decedent Plaintiff. Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, and Gerardo Cervantes EMT, breached their duty by engaging in one or more act(s) or



omission(s), singularly or in combination with others, constituting negligence, including the following:

- a. In that Defendants failed to provide and/or render timely, proper, and/or adequate emergency medical services and care for the proper diagnosis and assessment of Decedent Plaintiff's above-described illness(es), injury(ies), and/or condition(s);
- b. In that Defendants failed to provide and/or render timely, proper, and/or adequate emergency medical services and care to and for Decedent Plaintiff's above-described illness(es), injury(ies), and/or condition(s);
- c. In that Defendants engaged in other wrongful or improper acts or omissions in the course of their diagnosis, assessment, care, and treatment of Decedent Plaintiff's above-described illness(es), injury(ies), and/or condition(s);
- d. In that Defendants, by and through their employee(s), servant(s), or agent(s), failed to provide and/or render timely, proper, and/or adequate emergency medical services, assessment, testing, evaluation, care, and/or treatment to and/or for Decedent Plaintiff's above-described illness(es), injury(ies), and/or condition(s);
- e. In that Defendants, individually, and/or by and through their employee(s), servant(s), or agent(s) engaged in other wrongful or improper acts and/or omissions or departures from the applicable standards of emergency medical services and care, or health care, or safety in the diagnosis, assessment, care, and treatment of Decedent Plaintiff's above-described illness(es), injury(ies), and/or condition(s);
- f. In that Defendants failed to timely, properly, and/or adequately provide and/or render professional or administrative services directly related to the emergency medical services and care or health care to or for Decedent Plaintiff's above-described illness(es), injury(ies), and/or condition(s); and
- g. In that Defendants failed to proper secure Decedent Plaintiff's body to the stretcher he was being carried out on, causing Plaintiff's upper body to fall off the stretcher severely striking his head on the concrete steps of his home, and causing an open 4cm scalp laceration with excessive bleeding.

29. Defendants' above-described breach of duty proximately caused the occurrence(s) or injuries, harm and death of Fred Douglas Veals, Jr., which resulted in damages to the Decedent Plaintiff, as set forth below with more specificity.

**NEGLIGENCE OF DEFENDANTS BAYLOR SCOTT & WHITE HEALTH,  
BAYLOR SCOTT & WHITE HEALTH, LLC, BAYLOR UNIVERSITY  
MEDICAL CENTER AT DALLAS, AND CARA BRIANNE  
NORVELL, D.O.**

30. At all times material to this cause, Defendants Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., had a duty and/or duties under Texas law to exercise reasonable and prudent health care institution and/or hospital and/or health care under the same or similar circumstances for the medical and/or health care diagnosis, assessment, care and treatment of the above-mentioned illness(es), injury(ies), and/or condition(s) of Fred Douglas Veals, Jr. Defendants breached their duty and/or duties by engaging in one or more acts or omissions, singularly or in combination with others, constituting negligence, including the following:

- a. In that Defendants failed to govern or supervise the quality of medical care and/or health care diagnosis, assessment, care, treatment, and/or services of Decedent Plaintiff's above-described illness(es), injury(ies), and/or condition(s) in a timely, proper, and/or adequate manner;
- b. In that Defendants, by and through their shareholders, members, directors, officers, employees, servants, agents, and/or representatives, failed to provide timely, proper, and/or adequate medical care and/or health care diagnosis, assessment, care, treatment, and/or services to and for Plaintiff's above-described illness(es), injury(ies), and/or condition(s); and, as a result, Defendants are vicariously liable to the Plaintiff Jacqueline Veals for the injuries, harm, damages and death of Fred Douglas Veals, Jr.; and
- c. In that Defendants engaged in other acts or omissions of negligence and/or wrongful or improper conduct in the course of providing medical care and health care diagnosis, assessment, care, treatment and/or services to and for Fred Douglas Veals, Jr.'s above-described illness(es), injury(ies), and/or condition(s).

31. Defendants' above-described breach of duty proximately caused the occurrence(s) or injuries, harm and death to Fred Douglas Veals, Jr., which resulted in damages to the Plaintiff, as set forth below with more specificity.

## VICARIOUS LIABILITY

32. Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., are vicariously liable to the Plaintiff for the negligence of their employee(s), agent(s) and/or servant(s), emergency medical technicians, physician(s), and/or health care provider(s) under the doctrine of “*respondeat superior*” in that such emergency medical care staff, physician(s), and/or health care provider(s) engaged in one or more acts or omissions, singularly or in combination with others, of negligence in their emergency medical technician services, medical, and/or health care provider diagnosis, assessment, care and treatment for the above-mentioned illness(es) and/or condition(s) of Decedent Plaintiff which were performed while such emergency medical technicians, physician(s), and/or health care provider(s) were in the employment or offices of Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., and were within the course and scope of such employment or offices within the authority delegated to such officer(s), employee(s), agent(s), or servant(s), emergency medical services, physician(s), and/or health care provider(s), as set forth above with more specificity.

33. Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O.’s officer(s), employee(s),

agent(s), or servant(s), emergency medical technician services, physician(s), and/or health care provider(s)'s above-stated negligence proximately caused the occurrence(s) or injuries, harm and death to Fred Douglas Veals, Jr., which resulted in damages to the Plaintiff Jacqueline Veals, as set forth below with more specificity.

**GROSS NEGLIGENCE OF DEFENDANTS, CITY OF LANCASTER, CITY OF LANCASTER FIRE DEPARTMENT, DANNY BURTON EMT, JAMES SHELTON EMT, CADE WHITSON EMT, REGGIE STERNS EMT, KRISTOPHER LEWIS EMT, GERARDO CERVANTES EMT, BAYLOR SCOTT & WHITE HEALTH, BAYLOR SCOTT & WHITE HEALTH, LLC, BAYLOR UNIVERSITY MEDICAL CENTER AT DALLAS, AND CARA BRIANNE NORVELL, D.O.**

34. In addition to the other counts noted hereinabove, on the occasion(s) in question in this cause, Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., engaged in statutory gross negligence in connection with their emergency medical technician services, medical, surgical, and/or health care diagnosis, assessment, care, and treatment of the above-mentioned illness(es) and/or condition(s) of Fred Douglas Veals, Jr., by engaging in acts or omissions, as set forth above with specificity: **(a)** which when viewed objectively from the standpoint of Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., at the time of the occurrence(s) involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and **(b)** of which Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT,

James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others.

35. Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O.,’s above-described breach of duty(ies) proximately caused the occurrence(s) or injuries, harm and death to Fred Douglas Veals, Jr., which resulted in damages to the Plaintiff Jacqueline Veals, as set forth below with more specificity.

**CLAIM FOR DAMAGES – JACQUELINE VEALS AS PERSONAL REPRESENTATIVE OF THE ESTATE OF FRED DOUGLAS VEALS, JR., DECEASED**

36. As a proximate, probable, producing, or resulting cause of the Defendants’ negligence, gross negligence, and/or other wrongful conduct, as set forth herein above, the Plaintiff Jacqueline Veals, as Personal Representative of the Estate of Fred Douglas Veals, Jr., Deceased, is entitled to recover fair and reasonable compensation for the injuries, aggravation of injuries or conditions, damages and death of decedent, Fred Veals, Jr., as follows:

- a. Physical pain and suffering experienced by Fred Veals, Jr. before his death as a result of the occurrence(s) or injury(ies) in question.
- b. Mental anguish and suffering experienced by Fred Veals, Jr. before his death as a result of the occurrence(s) or injury(ies) in question.
- c. Hospital, medical, and health care expenses in the past for the health care received by Fred Veals, Jr. for diagnosis, care, and treatment of injuries

sustained by him before his death a result of the occurrence(s) or injury(ies) in question.

- d. Custodial care expenses and/or value of such expenses in the past for the custodial care received by Fred Veals, Jr. from his wife, Jacqueline Veals, before his death as a result of the occurrence(s) or injury(ies) in question.
- e. Funeral and burial expenses for the funeral and burial of Fred Veals, Jr., deceased, reasonably suitable to his station in life.
- f. Physical impairment and/or loss of enjoyment of life sustained by Fred Veals, Jr. in the past consisting of loss of enjoyment of life before his death which was substantial and extended beyond any pain, suffering, mental anguish, lost wages or diminished earning capacity to the extent that it was and is a distinct loss and for which he should be compensated; or alternatively, without waiver of the foregoing, loss of enjoyment of life sustained by Fred Veals, Jr. in the past, as a separate element of “hedonic damages” or, alternatively, without waiver of the foregoing, as it best fits among the factors a factfinder may consider in assessing damages for pain, suffering, and/or mental anguish of Fred Veals, Jr. to compensate for his disability to enjoy life’s activities before his death.
- g. Physical impairment and/or loss of enjoyment of life that, in reasonable probability, Fred Veals, Jr. would have sustained in the future had he lived, consisting of loss of enjoyment of life which will probably be substantial and extend beyond any pain, suffering, mental anguish, lost wages or diminished earning capacity in the future and for which he should be compensated; or alternatively, without waiver of the foregoing, loss of enjoyment of life sustained by Fred Veals, Jr. in the future, had he lived, as a separate element of “hedonic damages” or, alternatively, without waiver of the foregoing, as it best fits among the factors a factfinder may consider in assessing damages for pain, suffering, and/or mental anguish of Fred Veals, Jr. to compensate for his permanent disability to enjoy life’s activities due to his death.
- h. All other actual, consequential, and/or special damages allowed by law sustained by Fred Veals, Jr. before his death.

37. As allowed by Texas Rule of Civil Procedure 47, the Plaintiff Jacqueline Veals, as Personal Representative of the Estate of Fred Douglas Veals, Jr., Deceased, seeks recovery of fair, just and reasonable compensation for Fred Veals, Jr. and the Plaintiff Jacqueline Veals, as Personal Representative of the Estate of Fred Douglas Veals, Jr., Deceased, above listed and described

injuries and damages in a fair and reasonable amount within the jurisdictional limits of the Court. In compliance with Texas Rule of Civil Procedure 47, the Plaintiff Jacqueline Veals, as Personal Representative of the Estate of Fred Douglas Veals, Jr., Deceased, does not plead a total amount of actual damages because she is not required to do so in the absence of a special exception and court order for them to do so; and, in compliance with the Texas Medical Liability Act, Tex. Civ. Prac. & Rem. Code § 74.053, the Plaintiff Jacqueline Veals, as Personal Representative of the Estate of Fred Douglas Veals, Jr., Deceased, does not plead a total maximum amount of actual damages because she is not required to do so in the absence of a court order allowing her to do so. Pursuant to Texas Rule of Civil Procedure 47, the Plaintiff Jacqueline Veals, as Personal Representative of the Estate of Fred Douglas Veals, Jr., Deceased, seeks monetary relief over \$1,000,000.00

**CLAIM FOR DAMAGES – JACQUELINE VEALS, INDIVIDUALLY**

38. As a proximate, probable, producing, or resulting cause of the Defendants' negligence, gross negligence, and/or other wrongful conduct, as set forth herein above, the Plaintiff Jacqueline Veals, individually, has suffered and is entitled to recover fair and reasonable compensation for her injuries, harm, and damages, and/or aggravation of her injuries or conditions, and damages, as follows:

- a. Pecuniary loss in the past that Jacqueline Veals, in reasonable probability, would have received from Fred Veals, Jr., her husband, had he lived.
- b. Pecuniary loss that, in reasonable probability, will or would be sustained by Jacqueline Veals in the future if Fred Veals, Jr., her husband, had lived.
- c. Loss of companionship and society that Jacqueline Veals, in reasonable probability, would have received from her husband, Fred Veals, Jr., in the past had he lived.

- d. Loss of companionship and society that, in reasonable probability, Jacqueline Veals would or will have received from her husband, Fred Veals, Jr., in the future had he lived.
- e. Mental anguish sustained by Jacqueline Veals in the past because of the death of her husband, Fred Veals, Jr.
- f. Mental anguish that, in reasonable probability, will be sustained by Jacqueline Veals in the future because of the death of her husband, Fred Veals, Jr.
- g. Custodial care that Jacqueline Veals rendered to and for her husband, Fred Veals, Jr., before his death.
- h. Medical, hospital, and health care expenses, that, in reasonable probability, Jacqueline Veals will incur in the future for the medical, hospital, and health care and treatment of Jacqueline Veals for her injuries, harm, damages, and conditions sustained as a result of the death of her husband, Fred Veals, Jr.
- i. Loss of enjoyment of life or loss of capacity to enjoy life sustained by Jacqueline Veals in the past due to the death of her husband, Fred Veals, Jr.
- j. Loss of enjoyment of life or loss of capacity to enjoy life that, in reasonable probability, will be sustained by Jacqueline Veals in the future due to the death of her husband, Fred Veals, Jr.
- k. Physical impairment and/or loss of enjoyment of life sustained by Jacqueline Veals due to the death of her husband, Fred Veals, Jr., in the past consisting of loss of enjoyment of life which was substantial and extended beyond any pain, suffering, mental anguish, lost wages or diminished earning capacity to the extent that it was and is a distinct loss and for which she should be compensated; or alternatively, without waiving the foregoing, loss of enjoyment of life sustained by Jacqueline Veals due to the death of her husband, Fred Veals, Jr., in the past, as a separate element of “hedonic damages” or, alternatively, without waiving the foregoing, as it best fits among the factors a factfinder may consider in assessing damages for pain, suffering, and/or mental anguish of Jacqueline Veals in the past to compensate for her permanent disability to enjoy life’s activities due to the death of her husband, Fred Veals, Jr.
- l. Physical impairment and/or loss of enjoyment of life that, in reasonable probability, Jacqueline Veals will sustain in the future due to the death of her husband, Fred Veals, Jr., consisting of loss of enjoyment of life which will probably be substantial and extend beyond any pain, suffering, mental anguish, lost wages or diminished earning capacity in the future and for which she should be compensated; or alternatively, loss of enjoyment of life



sustained by Jacqueline Veals in the future, had Fred Veals, Jr. lived, as a separate element of “hedonic damages” or, alternatively, as it best fits among the factors a factfinder may consider in assessing damages for pain, suffering, and/or mental anguish of Jacqueline Veals in the future to compensate her for a permanent disability to enjoy life’s activities due to the death of her husband, Fred Veals, Jr.

- m. All other actual, consequential, and/or special damages allowed by law sustained by Jacqueline Veals in the past.
- n. All other actual, consequential, and/or special damages allowed by law that, in reasonable probability, Jacqueline Veals will sustain in the future.

39. As allowed by Texas Rule of Civil Procedure 47, the Plaintiff Jacqueline Veals, individually, seeks recovery of fair, just, and reasonable compensation for her above listed and described injuries, harm, and damages in a fair and reasonable amount within the jurisdictional limits of the Court. In compliance with Texas Rule of Civil Procedure 47, the Plaintiff Jacqueline Veals, individually, does not plead a total amount of actual damages because she is not required to do so in the absence of a special exception and court order for her to do so; and, in compliance with the Texas Medical Liability Act, Tex. Civ. Prac. & Rem. Code § 74.053, the Plaintiff Jacqueline Veals, individually, does not plead a total maximum amount of actual damages because she is not required to do so in the absence of a court order allowing her to do so. Pursuant to Texas Rule of Civil Procedure 47, the Plaintiff Jacqueline Veals, individually, seeks monetary relief over \$1,000,000.00.

#### **EXEMPLARY DAMAGES CLAIM**

40. Because the Defendants City of Lancaster, City of Lancaster Fire Department, Danny Burton EMT, James Shelton EMT, Cade Whitson EMT, Reggie Sterns EMT, Kristopher Lewis EMT, Gerardo Cervantes EMT, Baylor Scott & White Health, Baylor Scott & White Health, LLC, Baylor University Medical Center at Dallas, and Cara Brianne Norvell, D.O., engaged in

statutory gross negligence as defined under the Texas Damages Act, Texas Civil Practice and Remedies Code, §§ 41.001-41.009, and as set forth with more particularity hereinabove, the Plaintiff is entitled to seek recovery of exemplary damages to be assessed against each of the above-named Defendants and apportioned among them, as follows:

- a. Exemplary damages should be assessed against Defendants in a reasonable amount, proportionate to the reprehensibility of Defendants' conduct, of four (4) times Plaintiff's actual damages. Alternatively, and without waiver of the above and foregoing, if the trier of fact finds that Defendants' particularly egregious conduct results in only a small or low amount of actual damages in the first phase of a bifurcated trial on liability for compensatory and exemplary damages, the Plaintiff asserts that a ratio substantially greater than four (4) times actual damages will be necessary for assessment of exemplary damages against Defendants to achieve punishment and/or deterrence. Alternately, and without waiver of the above and foregoing, if the court determines that the exemplary damages limitations under Texas Civil Practice and Remedies Code § 41.008 are constitutional, then exemplary damages should be awarded against Defendants in an amount equal to the greater of: (a) two times the amount of economic damages, plus an amount equal to any noneconomic damages found by the jury, not to exceed \$750,000; or (b) \$200,000.

#### **PLAINTIFF'S PRE-JUDGMENT INTEREST CLAIM**

41. Plaintiff is also entitled to and hereby seeks an award of **prejudgment interest** as a matter of law on her past damages, as described herein, *excluding* her claims for exemplary damages and future damages, at a rate in accordance with applicable law and in accordance with their rights under the Texas Constitution and/or United States Constitution. Tex. Fin. Code § 301.102. Further, Plaintiff requests that the Court take *judicial notice* of the rate of interest published by the Texas Consumer Credit Commission in the *Texas Register* on the date of judgment in this cause for purposes of calculating the rate of prejudgment interest to be awarded to the Plaintiffs in this cause, or such other periods of time, and such other rate or rates of interest allowed by law for determination of prejudgment interest.

### **PLAINTIFF'S POSTJUDGMENT INTEREST CLAIM**

42. Plaintiff is also entitled to and hereby seeks an award and recovery of **postjudgment interest** on the total amount of monetary damages awarded in a judgment in this cause in accordance with applicable Texas law in order for the Plaintiff to receive fair and reasonable compensation for the use and/or detention of her money damages, computed from the date of the signing of the judgment until the date of its satisfaction by the Defendants, individually or collectively, in this cause.

### **PLAINTIFF'S COURT COSTS CLAIM**

43. Plaintiff is also entitled to and hereby seeks an award and recovery of taxable court costs from the Defendants, including all of the taxable court costs she incurs in the prosecution of her claims and causes of action in this cause as allowed under Texas Rule of Civil Procedure 131 and other applicable Texas law.

### **REQUIRED DISCLOSURES**

44. Pursuant to Texas Rules of Civil Procedure 190 and 194, Defendants may be required to make initial disclosures, due within 30 days after the first answer is filed, unless otherwise agreed or changed by court order.

### **JURY DEMAND**

45. Plaintiff requests a trial by jury on all issues herein and tenders the appropriate fee at the time of filing of this original petition.

46. Plaintiff has met all conditions present to the filing of this lawsuit.

**NOTICE OF INTENT TO USE PRODUCED SELF-AUTHENTICATING  
DOCUMENTS AGAINST PRODUCING PARTY  
UNDER TEX. R. CIV. P. 193.7**

47. In accordance with **Texas Rule of Civil Procedure 193.7**, the Plaintiff gives **NOTICE** that she intends to use each document produced by the Defendants and/or any other party(ies) in this cause, in response to written discovery that authenticates the document(s) for use against the Defendants and/or any other producing party(ies), in any pretrial proceeding and/or at the trial of this cause, and any and all documents identified and exchanged by and between the Plaintiff and the Defendants and any other party(ies) prior to trial and intended to be offered during the trial of this cause.

**PLAINTIFF'S RESERVATION OF RIGHT TO AMEND  
AND/OR SUPPLEMENT THIS PETITION**

48. The Plaintiff asserts and reserves her legal right to amend and/or supplement the allegations and other contents of this Petition to conform with any and/or all additional evidence and/or information and/or to respond to any or all of the pleadings of the Defendants and/or any other party or parties in this cause.

**INTENT TO USE U.S. LIFE TABLES**

49. Plaintiff hereby notifies the Defendants of her intent to use U.S. Life Tables as published by the U.S. Government in trial of this matter.

**DESIGNATED ESERVICE EMAIL ADDRESS**

50. The following is the undersigned attorney's designation of electronic service email address for all electronically served documents and notices, filed and unfiled, pursuant to Tex.R.Civ.P. 21(f)(2) & 21(a): **eservice@kastllaw.com**. This is the undersigned's ONLY electronic service email address, and service through any other email address will be considered

invalid.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that Defendants be cited to appear and answer herein, that upon final hearing of this cause, Plaintiff has judgment against the Defendants, jointly and severally, or separately, for damages for monetary relief in excess of the jurisdictional limits of the Court; together with pre-judgment interest from the date of injury through the date of judgment at the maximum rate allowed by law; post-judgment interest at the highest legal rate until the time the judgment is paid; exemplary damages; costs of court; and such other and further relief to which Plaintiff may be justly entitled at law or in equity.

Respectfully submitted,

**KASTL LAW, P.C.**

*/s/ Kristina N. Kastl*

**Kristina N. Kastl**

State Bar No. 24025467

Email: [eservice@kastllaw.com](mailto:eservice@kastllaw.com)

Email: [kkastl@kastllaw.com](mailto:kkastl@kastllaw.com)

**Samantha C. Johnson**

State Bar No. 24126019

Email: [sjohnson@kastllaw.com](mailto:sjohnson@kastllaw.com)

4144 North Central Expressway, Suite 1000

Dallas, Texas 75204

Phone: (214) 821-0230

Fax: (214) 821-0231

**ATTORNEYS FOR PLAINTIFF**

**\*Please note and document Kastl Law, P.C.'s new e-serve address. All future e-serve notifications must be served at: [eservice@kastllaw.com](mailto:eservice@kastllaw.com)**

**Service is only effectuated if it is served through our [eservice@kastllaw.com](mailto:eservice@kastllaw.com) email. Any other Kastl Law, P.C. email is considered ineffective service.**