

DC-23-05392

CAUSE NO. _____

DORIS ANN WATTLEY,

Plaintiff,

v.

LEVON DOUGLAS, CITY OF
DALLAS, TEXAS AND DALLAS FIRE
RESCUE

Defendants.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

193rd

_____ JUDICIAL DISTRICT

**PLAINTIFF’S ORIGINAL PETITION, REQUEST FOR INITIAL DISCLOSURES,
AND JURY DEMAND**

COMES NOW DORIS ANN WATTLEY., hereinafter also referred to as “Plaintiff,” and files Plaintiff’s Original Petition, Request for Initial Disclosures, and Jury Demand complaining of LEVON DOUGLAS, CITY OF DALLAS, TEXAS, AND DALLAS FIRE RESCUE hereinafter also referred to as “Defendants,” and in support thereof would respectfully show the Court the following:

**I.
DISCOVERY LEVEL**

This lawsuit shall be conducted pursuant to Discovery Control Plan-Expedited Actions Involving \$250,000.00 or Less (Level 1) pursuant to Texas Rules of Civil Procedure Rule 190.2.

**II.
PARTIES AND SERVICE**

Plaintiff is an individual who resides in DeSoto, Dallas County, Texas, and can be noticed by and through her attorney in charge, Juan Renteria, Jr., Loncar Lyon Jenkins, 424 S. Cesar Chavez Boulevard, Dallas, Texas 75201.

Defendant LEVON DOUGLAS is an individual who resides in Dallas, Dallas County, Texas who may be served with citation at 1500 Marilla St., Dallas, Texas 75201. Plaintiff requests that citation directed to Defendant LEVON DOUGLAS be issued, and that that citation then be served by private process server.

Defendant CITY OF DALLAS, TEXAS is a governmental entity which may be served by serving its City Secretary, **Biliera Johnson**, at 1500 Marilla Street, Room 5 D South, Dallas, Texas 75201. Plaintiff requests that citation directed to Defendant CITY OF DALLAS, TEXAS be issued, and that that citation then be served by private process server.

Defendant DALLAS FIRE RESCUE is a governmental entity which may be served by serving its City Secretary, **Biliera Johnson**, at 1500 Marilla Street, Room 5 D South, Dallas, Texas 75201. Plaintiff requests that citation directed to Defendant DALLAS FIRE RESCUE be issued, and that that citation then be served by private process server.

Pursuant to Section 30.014 of the Texas Civil Practice & Remedies Code, Plaintiff provides below the last three numbers of **her driver's license number (701)** and the last three numbers of her social security number (738) and requests that Defendant LEVON DOUGLAS provide the equivalent of same.

III.

JURISDICTION AND VENUE

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

This Court has jurisdiction over the parties to this lawsuit because the parties to this lawsuit are Texas residents and/or regularly conduct business in Texas; the events upon which this lawsuit is based occurred in Texas; and the damages sought in this lawsuit are within the jurisdictional

limits of this Court, and consist of only monetary relief of \$250,000.00 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

Venue in Dallas County, Texas is proper under Texas Civil Practice and Remedies Code Section 15.002(a)(1), since the collision in question of July 10, 2021 on which this lawsuit is based occurred in Dallas County, Texas.

CONDITIONS PRECEDENT MET

Prior to filing suit all conditions precedent for filing suit have been met, including furnishing the Defendants with written notice of 1) claim under the Texas Tort Claims Act, and 2) intention to file a health care liability claim more than sixty days prior to filing this suit with the required Chapter 74 medical records authorization. Special exceptions were granted under the Texas Tort Claims Act for Plaintiffs' causes of action under the Act.

Plaintiff's cause of action does not fall within any exception.

A governmental unit is liable for injuries caused by "the wrongful act or omission or the negligence of an employee acting within his scope of employment if: (A) the [injury] arises from the operation or use of a motor-driven vehicle ... ; and (B) the employee would be personally liable to the claimant according to Texas law." Tex. Civ. Prac. & Rem. Code § 101.021(1).

IV. FACTUAL BACKGROUND

On July 10, 2021, Plaintiff was walking to her car which was parked on Kiest Ridge Dr in Dallas, Dallas County, Texas when Defendant Levon Douglas operating a 2008 Red Spartan Motors Firetruck motor vehicle traveling North on Kiest Ridge Dr. when the fire hose came lose and struck the left front quarter on Unit 2 a parked car. Defendant Levon Douglas continued North which caused the hose to strike the right distributed and top damage of unit 3. The hose then struck

a mail box, tore if out of the ground, struck the left front quarter and hood of unit 4 a parked car and then struck Plaintiff who was walking to her car and continued to strike the left back quarter and top of unit 6, a parked car. As a direct and proximate result of the wrongful and negligent conduct of Defendants, Plaintiff suffered injuries, damages and medical expenses within the jurisdictional limits of this Court.

The governmental unit is liable because the employee acted within the scope of his or her authority but, in the alternative, if that the employee acted independently and is individually liable.

V.
NEGLIGENCE

The collision in question made the basis of this lawsuit as set forth herein and Plaintiff's resulting injuries and damages were proximately caused by the negligent and wrongful conduct of Defendant LEVON DOUGLAS in one or more of the following respects:

- a. in failing to keep a proper lookout as a person of ordinary prudence would have kept in the same or similar circumstances;
- b. in failing to apply the brakes on the vehicle he was operating in a timely manner to avoid the collision in question as a person of ordinary prudence would have done in the same or similar circumstances;
- c. in failing to swerve in a manner to avoid the collision in question as a person of ordinary prudence would have done in the same or similar circumstances;
- d. in driving at a speed greater than that which is reasonable;
- e. in failing to control his speed;
- f. in failing to pay attention to the location of Plaintiff's vehicle as a reasonably prudent person exercising ordinary care would have paid attention to the location of that vehicle under the same or similar circumstances;

- g. in making an unsafe lane change to his left into the lane in which Plaintiff was traveling;
- h. in attempting a U-turn from the lane to the right of the lane in which Plaintiff was traveling instead of making that U-turn from the lane in which Plaintiff was traveling;
- i. in failing to operate the vehicle he was operating as a reasonably prudent person exercising ordinary care would have operated that vehicle under the same or similar circumstances; and
- j. in failing to adhere to state statutes and/or local traffic ordinances.

VI.
NEGLIGENT ENTRUSTMENT

Plaintiff alleges that at the time of the occurrence in question made the basis of this lawsuit which occurred on June 8, 2020, Defendant LEVON DOUGLAS was operating the 2008 Spartan Motors Firetruck with the full permission, authority and consent of the owner of that truck, Defendant CITY OF DALLAS, TEXAS AND DALLAS FIRE RESCUE and Defendant LEVON DOUGLAS was therefore a permissive user of that truck with attached trailer at the time of the occurrence in question. Plaintiff alleges that Defendant CITY OF DALLAS, TEXAS AND DALLAS FIRE RESCUE was negligent in entrusting that truck with attached trailer to Defendant LEVON DOUGLAS when it knew, or in the exercise of reasonable care should have known, that Defendant LEVON DOUGLAS was a careless, reckless driver who should not be entrusted with the use of a motor vehicle on the roadways of the State of Texas, and Plaintiff alleges that such negligent entrustment was a proximate cause of the occurrence in question and the resulting injuries and damages sustained by Plaintiff.

VII.
RESPONDEAT SUPERIOR

Plaintiff alleges that, at the time of the occurrence in question made the basis of this lawsuit which occurred on July 10, 2021, Defendant LEVON DOUGLAS was acting as the agent, employee and/or servant of Defendant CITY OF DALLAS, TEXAS AND DALLAS FIRE RESCUE, such that under the doctrines of respondent superior and/or agency, Defendant CITY OF DALLAS, TEXAS AND DALLAS FIRE RESCUE is liable to Plaintiff for his injuries and resulting damages caused by the negligence of Defendant GREGORY LEON AUSTIN.

VIII.
EMPLOYER NEGLIGENCE

Further, Plaintiff alleges that Defendant CITY OF DALLAS, TEXAS AND DALLAS FIRE RESCUE was negligent in hiring, supervising and training Defendant LEVON DOUGLAS, and due to that negligence of Defendant CITY OF DALLAS, TEXAS AND DALLAS FIRE RESCUE, Plaintiff has sustained the injuries and damages as described in paragraph IX. of this pleading.

IX.
DAMAGES

As a direct and proximate result of the negligent and wrongful conduct of Defendants, Plaintiff suffered injuries to his head, neck, back, and body generally, which caused him to sustain the following damages:

- a. past and future medical expenses;
- b. past and future loss of earning capacity;
- c. past and future physical pain and mental anguish;
- d. past and future physical impairment;
- e. past and future disfigurement;

- f. property damage and out-of-pocket expenses;
- g. pre-judgment interest and post-judgment interest; and
- h. case costs and expenses of suit.

Plaintiff is entitled to recover damages in this lawsuit in an amount within the Court's jurisdictional limits. Plaintiff seeks damages in this lawsuit consisting of only monetary relief of \$250,000.00 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

X.
NOTICE OF INTENT

Plaintiff hereby gives notice to Defendants under Rule 193.7 of the Texas Rules of Civil Procedure that Plaintiff will use any document produced by Defendants during pretrial discovery against Defendants at any pretrial proceeding and at trial, and any such document is therefore self-authenticated pursuant to that rule.

XI.
PLAINTIFF'S REQUEST FOR INITIAL DISCLOSURES TO DEFENDANTS

Plaintiff advises Defendants that pursuant to Rule 194.2 of the Texas Rules of Civil Procedure, Initial Disclosures must be made by Defendants providing the following information and material to Plaintiff within 30 days after the filing of Defendants' first answer or general appearance unless a different time is set by the parties' agreement or court order:

- (1) the correct names of the parties to the lawsuit;
- (2) the name, address, and telephone number of any potential parties;
- (3) the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial);
- (4) the amount and any method of calculating economic damages;

- (5) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (6) a copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the responding party has in its possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment;
- (7) any indemnity and insuring agreements described in Rule 192.3(f);
- (8) any settlement agreements described in Rule 192.3(g);
- (9) any witness statements described in Rule 192.3(h);
- (10) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (11) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and
- (12) the name, address, and telephone number of any person who may be designated as a responsible third party.

Defendants' Initial Disclosures may be served upon Plaintiff through Plaintiff's attorney in charge, Garnett E. "Brit" Hendrix, Jr., Loncar Lyon Jenkins, 424 S. Cesar Chavez Boulevard, Dallas, Texas 75201.

XII.
JURY DEMAND

Plaintiff hereby requests a trial by jury.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein, and that this case be tried before the Court and a Jury, after which Plaintiff should recover:

- a. judgment against Defendants, jointly and severally, for Plaintiff's damages sought in this lawsuit as set forth above in an amount within the jurisdictional limits of this Court, consisting of only monetary relief of \$250,000.00 or less, excluding interest, statutory or punitive damages or penalties, and attorney fees and costs;
- b. pre-judgment interest at the maximum amount allowed by law;
- c. post-judgment interest at the maximum rate allowed by law;
- d. case costs and expenses of suit; and
- e. such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

LONCAR LYON JENKINS
424 South Cesar Chavez Blvd.
Dallas, Texas 75201
JRenteria@loncarlyonjenkins.com
214-747-0422 Telephone
214-382-5841 Facsimile

/s/ Juan Renteria.
Juan Renteria
Texas State Bar No. 24062959

ATTORNEY FOR PLAINTIFF