

2.02 Plaintiff Daniela [REDACTED] is an individual and a citizen of the State of Texas.

2.03 Minor child Raymond [REDACTED], Jr. is an individual and a citizen of the State of Texas.

2.04 Minor child Rayden Ray [REDACTED] is an individual and a citizen of the State of Texas.

2.05 Minor child Raylynn Danielle [REDACTED] is an individual and a citizen of the State of Texas.

2.06 Minor child Rayder Jax [REDACTED] is an individual and a citizen of the State of Texas.

2.07 Minor child Javien [REDACTED] is an individual and a citizen of the State of Texas.

2.08 Defendant Carmen [REDACTED] is an individual and a citizen of the State of Texas. Defendant can be served with process by serving her at her home address, [REDACTED] Avenue, Apt. [REDACTED], El Paso, Texas [REDACTED] or wherever she may be found.

2.09 West Texas [REDACTED], Inc. is a company which can be served by serving its registered agent Jacob [REDACTED], [REDACTED] Avenue, Odessa, Texas [REDACTED] or wherever he may be found.

3.00 JURISDICTION & VENUE

3.01 The amount in controversy is within jurisdictional limits of this Court. Plaintiffs seek over \$1,000,000 in damages.

3.02 El Paso County is the proper venue for this action pursuant to the Texas Civil Practice and Remedies Code, Section 15.001(a)(1), *et seq.*, because Defendant Carmen [REDACTED] is a resident of El Paso County.

4.00 STATEMENT OF FACTS

4.01 On November 21, [REDACTED], Raymond Gilbert [REDACTED] was traveling northbound on US Highway 385 by car. As he approached an intersection, Carmen [REDACTED] unlawfully attempted to turn her 18-wheeler onto the southbound lane of the same highway Mr. [REDACTED] was on. As Ms. [REDACTED] crossed into the intersection, Mr. [REDACTED] crashed his car into the back of Carmen [REDACTED]'s 18-wheeler's trailer. Police determined that Carmen [REDACTED] had failed to yield the right of way.

4.02 The crash caused extensive, permanent, and life-altering injuries to Mr. [REDACTED].

4.02 At the time of the collision, Carmen [REDACTED] was employed by or the agent acting on behalf of West Texas [REDACTED], Inc.; Carmen [REDACTED] was operating a motor vehicle in the course and scope of her employment and/or agency on behalf of Defendant West Texas [REDACTED], Inc.

5.00 CLAIMS AGAINST DEFENDANT CARMEN [REDACTED]

5.01 At all times relevant to the occurrence in question, Carmen [REDACTED] had a duty to act as a reasonable and prudent motorist would have acted under the same or similar circumstances. Carmen [REDACTED] breached this duty in one or more respects including, but not limited to: failing to maintain a proper lookout, failing to keep her vehicle under control, changing lanes when unsafe and/or failing to maintain a single lane of travel, failing to properly signal a lane change, failing to properly apply her brakes, driving at an excessive rate of speed given the road conditions, and failing to act as a reasonably prudent motorist would in the same or similar circumstances.

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 Plaintiffs.

6.00 CLAIM AGAINST DEFENDANT WEST TEXAS [REDACTED], INC.

6.01 Defendant West Texas [REDACTED], Inc. is vicariously liable for the damages proximately caused to Plaintiffs by virtue of the negligent conduct of its driver/employee/agent, Carmen [REDACTED].

6.02 At the time of the subject collision, Carmen [REDACTED] was an employee and/or agent of Defendant West Texas [REDACTED], Inc. Further, Carmen [REDACTED] was acting within the course and scope of her employment and/or agency relationship on behalf of Defendant West Texas [REDACTED], Inc. at the time of the subject incident. That is, Carmen [REDACTED] was acting in furtherance of the business of her employer and/or master.

6.03 Therefore, Defendant West Texas [REDACTED], Inc. is vicariously liable to Plaintiffs for the negligent acts and/or omissions of its employee/agent, Carmen [REDACTED], on the basis of *respondeat superior* and/or agency law.

7.00 PERSONAL INJURY CLAIMS: RAYMOND GILBERT [REDACTED]

7.01 As a direct and proximate result of the Defendants' negligent acts and/or omissions, Plaintiff Raymond Gilbert [REDACTED] has suffered substantial damages for which he seeks recovery from Defendants:

- a. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of injuries resulting from the

accident complained of herein, and such charges were reasonable and were usual and customary charges for such services;

- b. Reasonable and necessary medical care and expenses which will, in all reasonable probability, be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering in the future;
- e. Physical impairment in the past;
- f. Physical impairment which, in all reasonable probability, will be suffered in the future;
- g. Loss of earnings in the past;
- h. Loss of earning capacity which will, in all reasonable probability, be incurred in the future;
- i. Disfigurement in the past;
- j. Disfigurement in the future;
- k. Mental anguish in the past;
- l. Mental anguish in the future; and
- m. Cost of monitoring and prevention in the future.

8.00 LOSS OF SERVICES: DANIELA [REDACTED] and CHILDREN¹

8.01 Prior to the accident, Raymond Gilbert [REDACTED] was industrious, affectionate, loving, compassionate, energetic, cooperative, patient, attentive, and a good husband and provider to Daniela [REDACTED]. He gave guidance, advice, counsel, protection, comfort,

¹ For sake of brevity, Plaintiffs refer to their natural offspring Raymond [REDACTED], Jr., Rayden Ray [REDACTED], Raylynn Danielle [REDACTED], Rayder Jax [REDACTED], and Javien [REDACTED] as “Children.”

services, care, and attention to her. His severe injuries have deprived Daniela [REDACTED] of the complete society of her husband, right to that affection, solace, comfort, companionship, and assistance.

8.02 In the future, Raymond Gilbert [REDACTED] would have been a good father and would have provided care, advice, maintenance, services, counsel, education, support and training for the Children. His severe injuries have caused the Children to suffer the loss of his care, advice, maintenance, services, counsel, education, support, and training.

8.03 As a result of the above-described negligence of Defendants, the Children have suffered certain losses for which they now bring suit.

8.04 The injuries to Raymond Gilbert [REDACTED] have caused Daniela [REDACTED] and their Children to suffer the loss of care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value in reasonable probability which they would have received from Raymond Gilbert [REDACTED] had he not been injured, loss of inheritance, loss of companionship and society, and mental anguish.

8.05 These damages have been suffered in the past, and, in reasonable probability, will continue to be suffered in the future.

9.00 COSTS

Plaintiffs also seek recovery for all costs of court and prejudgment and post-judgment interest in the maximum amounts allowable by law.

10.00 PRAYER

Plaintiffs respectfully pray that Defendants be cited to appear and answer herein, and that upon a final hearing hereof, Plaintiffs 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 Plaintiffs may show themselves justly entitled.

Respectfully submitted,
GROSSMAN LAW OFFICES, P.C.



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