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NO. 19-02774

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2009 MAR -9 PM 3:35
GARY F. STEVENS
[Signature]

JESSICA HARDWICK

Plaintiff,

v.

BELT LINE OPERATIONS, LLC
D/B/A BLACKFINN RESTAURANT
& SALOON

Defendant.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

1-162nd

___ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff, Jessica Hardwick ("Plaintiff") complaining of Blackfinn Restaurant & Saloon ("Defendant"), respectfully shows the Court as follows:

I. DISCOVERY CONTROL PLAN

1. Unless otherwise provided by Court order, Plaintiff intends that discovery be conducted under Level 2 and affirmatively pleads that it seeks injunctive relief.

II. PARTIES

2. Plaintiff **Jessica Hardwick** may be contacted via the undersigned.
3. Defendant **Belt Line Operations, LLC d/b/a Blackfinn Restaurant** ("Blackfinn") *icut atty* may be served at its agent for service, **Ms. Shirley Dillon**, at CT Corporation, 350 N. St. Paul Street, Suite 2900, Dallas, TX, 75201.

III. JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter, as the amount of the dispute is within the jurisdictional limits of this Court. Pursuant to section 15.002(a)(1) of the TEXAS CIVIL PRACTICES AND REMEDIES CODE, venue is proper in Dallas County, Texas, because all or a substantial part of

the events or omissions giving rise to the claims occurred in Dallas County, Texas.

IV. BACKGROUND FACTS

5. On or about August 23, 2008, Plaintiff was an invited guest with her friends at Defendant's Restaurant and Saloon. Plaintiff was celebrating her upcoming wedding. Plaintiff's party arrived around 7:45pm. Plaintiff had reserved 3 tables for the evening. In their celebration, Plaintiff and her party were snapping pictures all night. At around 10:00 p.m. two well-known national celebrities entered the immediate area (with apparently 2 body guards and their entourage). They sat down at the table next to Plaintiff's party, and asked Plaintiff if they could one of the three tables that had been reserved that night. Plaintiff said sure. Mr. Tony Romo, Ms. Jessica Simpson and their dozen-strong entourage proceeded to enjoy themselves and so did Plaintiff and her party.

6. At a later moment, Plaintiff decided to take a photograph of three of Plaintiff's friends (she had been taking pictures all night long). Without warning, Plaintiff was assaulted by Defendant's bouncer. Defendant's bouncer struck and improperly assaulted Plaintiff on her person and her breast. While still reeling from the assault, Defendant's manager was called but he stated that he could move Plaintiff's party, but the celebrities would bring in more revenue for Defendant. Plaintiff was assaulted due to Defendant's actions to proscribe photographs being taken in the "area" of Ms. Simpson and Mr. Romo.

V. CAUSES OF ACTION

Negligent Entrustment

7. Plaintiff incorporates by reference the foregoing paragraphs as if fully set forth herein.

8. Plaintiff will show that, at the time and on the occasion complained of, Defendant Negligently entrusted, in that it knew or should have known that its bouncer was incapable of safely administering the incident in question, and that not doing so would endanger the health and safety of persons such as Plaintiff. Plaintiff suffered physical contact with Plaintiff's person. Such acts on Plaintiff were done intentionally, knowingly and recklessly and which actions caused Plaintiff injuries and damages and emotional distress.

Respondeat Superior

9. Plaintiff incorporates by reference the foregoing paragraphs as if fully set forth herein.

10. At the time and on the occasion complained of, Blackfinn's bouncer's actions were in furtherance of the course and scope of his retention with Defendant making Defendant liable under *Respondeat Superior*.

VI. DAMAGES AND JURY TRIAL DEMAND

11. As a proximate result of Defendant's negligence, Plaintiff suffered injuries and damages including: (i) Physical pain and suffering; (ii) mental anguish; and (iii) disfigurement among others. Plaintiff demands a trial by jury.

VII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendant be cited to appear and answer herein and, after all due proceedings are had, that Plaintiff have the following relief:

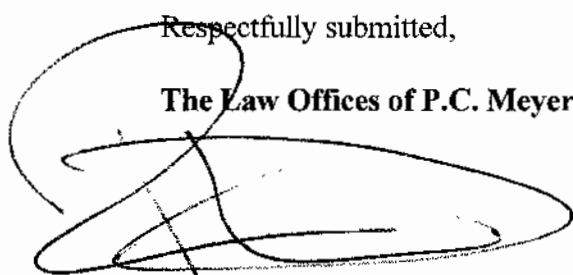
- (a) All damages in the amount determined to have been sustained by Plaintiff;
- (b) Pre- and Post-Judgment Interest as provided by law;
- (c) Costs of this lawsuit, including experts' fees, and other disbursements;

and

- (d) All such other and further relief, at law or in equity, to which Plaintiffs show themselves to be justly entitled.

Respectfully submitted,

The Law Offices of P.C. Meyer, PLLC



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