

Filed
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Amalia Rodriguez-Mendoza
District Clerk
Travis District

Cause No. D-1-GN-09-003927

**LUCY BAUMAN AND
THOMAS BAUMAN**

§ IN THE DISTRICT COURT OF

§

§

VS.

§

TRAVIS COUNTY, TEXAS

§

**DR. JACQUE HARBISON, DVM, and
LAGO VISTA ANIMAL CLINIC, INC.**

§

§

**201ST
JUDICIAL DISTRICT COURT**

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, LUCY BAUMAN and THOMAS BAUMAN, hereinafter called Plaintiffs,
complaining of Dr. Jacque Harbison, D.V.M., and LAGO VISTA ANIMAL CLINIC, INC.,
hereinafter referred to as Defendants and files this Petition under Texas Rules of Civil Procedure
190.4 (Level 3), and for cause of action would respectfully show the Court as follows:

I.

Plaintiffs would show that they are residents of Lago Vista, Travis County, Texas.

Defendant, Lago Vista Animal Clinic, Inc., is a corporation doing business in the State of Texas and can be served with process by serving its registered agent as follows: Virginia Leigh Williams, 20711 F.M. 1431, Lago Vista, Texas 78645.

Defendant Dr. Jacque Harbison, can be served with process at her place of employment as follows: Lago Vista Animal Clinic, Inc., 20711 F.M. 1431, Lago Vista, Texas 78645.

II.

This Court has jurisdiction because the incident occurred in Travis County, Texas.

III.

On or about May 9, 2009, Plaintiff Lucy Bauman took her daughter's Chihuahua (named Prissy) for toe nail clipping at the Lago Vista Animal Care Clinic, Inc. Ms. Bauman took the Chihuahua in a pet carrier. Upon arriving at the Lago Vista Animal Care Clinic, Inc., Defendant Harbison instructed Ms. Bauman to remove the Chihuahua and hold the animal so that the head was facing toward Ms. Bauman and the hind quarters pointed towards the Defendant.

Plaintiff Lucy Bauman complied with the instructions of the staff member from Lago Vista Animal Care Clinic, Inc. The Chihuahua bit Plaintiff Lucy Bauman in the hand area. Lago Vista Animal Care Clinic, Inc. personnel took control of the animal and instructed Plaintiff Bauman to wash her injured hand in a nearby sink. Plaintiff subsequently developed severe bacterial infection of the blood stream resulting in lengthy hospitalization and amputations of her legs.

At all times Defendant Harbison was an officer of, servant and/or agent of Lago Vista Animal Care Clinic, Inc. Therefore, the Lago Vista Animal Care Clinic, Inc. is vicariously responsible under the legal theory of respondeat superior for acts of negligence complained of herein. Defendant Harbison was negligent in the following particulars:

1. Not taking control of the Chihuahua;
2. Instructing Ms. Bauman to deliver the dog to Defendant so that the head and teeth were pointed toward Plaintiff.

As a direct result of the negligence of Defendant Lago Vista Animal Care Clinic, Inc., Plaintiff Lucy Bauman has had both legs amputated. Plaintiff Lucy Bauman seeks compensation for her damages including physical pain and mental anguish, physical impairment in the past and in the future, physical disfigurement in the past and in the future; loss of earnings and/or earning capacity

in the past and future; and reasonable and necessary medical bills and expenses in the past and future.

Plaintiff Thomas Bauman has sustained those damages permitted him by law including loss of household services both in the past and in the future, and loss of consortium as that term is defined in law, both in the past and in the future.

The damages incurred by the Plaintiffs are well in excess of the minimum jurisdictional requirements of the Court.

The elements of damage compensable to the Plaintiffs is well in excess of the minimum jurisdictional requirements of this court.

IV.

Plaintiffs, by and through their attorneys of record, respectfully reserves the right to amend this Petition to allege with specificity any further acts and/or omissions as discovery may disclose and to allege specific damages in light of conditions and damages known at the time of the trial of this case.

V.

Plaintiffs, individually and by and through their attorneys of record, hereby gives Notice to Defendants that this Petition is being served with Plaintiffs' Request for Disclosure, First Set of Interrogatories, and Request for Production, pursuant to Texas Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Defendants be cited to appear and answer and that on trial of this case, Plaintiffs have judgment against the Defendants as follows:

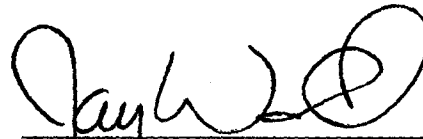
- a. For actual damages as specifically set out in this pleading;

- b. For pre-judgment and post-judgment interest at the maximum amounts and for the longest time permitted by law;
- c. For costs of suit; and
- d. For such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

Winckler & Harvey, L.L.P.
4407 Bee Cave Road, Bldg. 2, Suite 222
Austin, Texas 78746
(512) 306-1800
Fax: (512) 306-9442

By: _____



Jay Winckler
State Bar No. 21754400
ATTORNEYS FOR PLAINTIFFS

JURY DEMAND

NOW COME Plaintiffs and demand a trial by jury and for such have paid the required jury fees.