

2017-39263 / Court: 129

CAUSE NO. _____

JANE DOE	§	IN THE DISTRICT COURT
	§	
v.	§	_____ JUDICIAL DISTRICT
	§	
ALLEN MICHAEL URIBES	§	OF HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JANE DOE, Plaintiff, complaining of, ALLEN MICHAEL URIBES, hereinafter referred to as Defendant, and for cause of action would show the following:

DISCOVERY CONTROL PLAN

Plaintiff intends to conduct discovery under Level 3 of TEXAS RULE OF CIVIL PROCEDURE 190.4 and affirmatively pleads that this suit is not governed by the expedited-actions process in TEXAS RULE OF CIVIL PROCEDURE 169 because plaintiff seeks monetary relief over \$100,000.00.

PARTIES

Plaintiff, JANE DOE, is an individual residing in Harris County, Texas. Due to the sensitive nature of this proceeding, Plaintiff respectfully requests to proceed in this matter through a pseudonym. As such, she is not required to provide identifying information as part of this pleading and thus avails herself of this protection. Plaintiff's identity is known to Defendant.

Defendant, ALLEN MICHAEL URIBES, is an individual and may be served with process at 2477 FM 1488 Rd Apt 122 in Conroe, Texas , or wherever he may be found.

JURISDICTION & VENUE

The Court has jurisdiction over the lawsuit because the amount in controversy exceeds the Court's minimum jurisdictional requirements.

Venue is proper in Harris County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE ANN. § 15.002(a)(2) as the incident made basis of this suit occurred in Harris County, Texas.

FACTS

On or about June 23, 2016, Plaintiff was admitted to Methodist hospital for diabetic ketoacidosis. On June 30, 2016, Plaintiff noticed that the peripherally inserted central catheter ("PICC") in her groin was bleeding and notified the nurse's station of the problem. At that time, Plaintiff's Personal Care Assistant came in to her room accompanied by Defendant. After the Personal Care Assistant left the room, Defendant asked Plaintiff to remove her under garment and began to repair the bandage around Plaintiff's PICC line.

After Defendant had repaired the bandage, he then began touching and rubbing Plaintiff's sexual organ. Plaintiff asked Defendant to stop, however Defendant claimed the touching and rubbing was therapeutic and refused to stop. At this time, Plaintiff's strength was physically compromised due to her illness and she was unable to deter the offensive contact. Defendant then grabbed Plaintiff's legs and dragged her body to the edge of her bed and proceeded to penetrate Plaintiff's sexual organ with his penis. During this time, Plaintiff froze in shock unable to prevent the contact.

Defendant subsequently left the room and Plaintiff immediately gave her outcry statement to a female caregiver.

ASSAULT

Plaintiff incorporates by reference herein the facts as set forth above. The injuries and damages sustained by Plaintiff on the occasion in question were proximately caused by the Defendant's assault of Plaintiff.

In this connection, Plaintiff would show that the Defendant, ALLEN MICHAEL URIBES, physically assaulted her in the following particulars:

- a. Defendant made physical contact with Plaintiff's person; and
- b. Defendant knowingly, intentionally, and recklessly caused bodily injury to Plaintiff.

Each of the foregoing acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages which are described herein.

OFFENSIVE PHYSICAL CONTACT

Plaintiff incorporates by reference herein the facts as set forth above. In the alternative to and/or in addition to the claims set forth above, the injuries and damages sustained by Plaintiff on the occasion in question were proximately caused by the Defendant's offensive physical contact of Plaintiff.

In this connection, Plaintiff would show that the Defendant, ALLEN MICHAEL URIBES, caused offensive physical contact of her in the following particulars:

- a. Defendant intentionally and knowingly made offensive physical contact with Plaintiff's person; and
- b. Defendant knew or should have reasonably believed that Plaintiff would regard the contact as offensive and/or provocative.

Each of the foregoing acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages which are described herein.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Plaintiff incorporates by reference herein the facts as set forth above. In the alternative to and/or in addition to the claims set forth above, the injuries and damages sustained by Plaintiff on the occasion in question were proximately caused by the Defendant's intentional infliction of emotional distress upon Plaintiff.

In this connection, Plaintiff would show that the Defendant, ALLEN MICHAEL URIBES, intentionally inflicted emotional distress upon her in the following particulars:

- a. Defendant's conduct was intentional;
- b. Defendant's conduct was extreme and outrageous; and
- c. Defendant's conduct caused severe emotional distress to Plaintiff.

Each of the foregoing acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages, which are described herein.

DAMAGES

As a result of the Defendant's actions, Plaintiff, JANE DOE, sustained severe injuries, mental and physical pain and suffering, mental anguish, lost wages, loss of wage earning capacity, physical impairment, disfigurement, all of which are in reasonable probability permanent.

Further, as a result of the Defendant's actions, it was necessary for Plaintiff, JANE DOE, to secure medical and hospital services, including drugs and other medications, and it is reasonably probable that JANE DOE may require medical, hospital, and drug services in the future beyond this date, all for which Plaintiff now sues.

Therefore, Plaintiff brings this suit against Defendant for a just and reasonable sum in excess of the minimum jurisdictional limits of the Court and over \$1,000,000.

JURY DEMAND

Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, JANE DOE, prays that the Defendant be cited in terms of law to appear and answer herein, and that upon final hearing hereon, Plaintiff has judgment of and against said Defendant, for a just and reasonable sum in excess of the minimum jurisdictional limits of the Court; plus an additional sum in excess of the minimum jurisdictional limits of the Court for medical, hospital, and drug services; prejudgment interest at the highest rate allowed by law; post-judgment interest at the highest rate allowed by law; for costs of court, for exemplary and punitive damages, and for such other and further relief, both general and special, at law and in equity, to which Plaintiff may show herself justly entitled.

Respectfully Submitted,

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