

3-CIT ATTY

DC-18-05353

Marissa Pittman

CAUSE NO. _____

MARIA BERTHA MALAGA GOPE, ESTATE OF	§	IN THE DISTRICT COURT OF
ALVARO AVELINO DE LA CRUZ,	§	
JONATHAN RODRÍGUEZ RUIZ,	§	
KARLA N. ATHIE,	§	
JOSE LUIS CABRERE ROMERO,	§	
LEONARDA RAMOS,	§	
MANUEL CAMANO, ESTATE OF ERICK J.	§	
CAMANO RAMOS, PEDRO TORRES CEREZO,	§	
EFRAIN MORALES HERNANDEZ,	§	
DESIDERIO LOPEZ TREJO,	§	
TERESA ZAMUDIO GALLEGOS, ESTATE OF	§	
GABRIEL MARTINEZ ZAMUDIO,	§	
VERONICA IGLESIAS SANCHEZ,	§	
U.I.S. a minor,	§	
ESTATE OF ULISES ROCHA ROMERO,	§	
LUCERO ROCHA ROMERO,	§	
ESTATE OF ABIGAIL SANCHEZ DE LA CRUZ,	§	
A.E.S.R. a minor, J.A.S.R. a minor,	§	
GLORIA ROMERO URGEL, FILOMENA	§	
TORRES CUATZOZON, CIRO CORDERO	§	
PEREZ, ESTATE OF FERNANDO CORDERO	§	_____ TH JUDICIAL DISTRICT
TORRES, UBILFRIDO CRUZ RAMIREZ,	§	
REYNA M. GONGORA, NELSON	§	
REYES SANCHEZ, YARETH DEL CARMEN	§	
HERNANDEZ MARQUEZ, K.A.P.H. a minor,	§	
K.E.P.H. a minor, M.A.P.H. a minor,	§	
ESTATE OF HECTOR PEREZ DOMINGUEZ,	§	
LUZ ALGERIA CARRAZCO, PANFILO	§	
DOMINGUEZ GONZALEZ, DANIEL	§	
HERRERA CUEVAS, MIREYA	§	
PEREZ JIMENEZ, ANTONIO PEREZ	§	
GONZALEZ, JOSE ANGEL PEREZ MORALES,	§	
ESPERANZA YAMILETH MARQUES SOLIS,	§	
GLADYS RAYMUNDO GONZALEZ,	§	
G.R.R. a minor, E.R.R. a minor,	§	
ESTATE OF JULIAN RODRIGUEZ AGUIRRE,	§	
JUANA MARTINEZ REYES, A.M.R. a minor,	§	
ESTATE OF MIGUEL ANGEL GARDOZA	§	DALLAS COUNTY, TEXAS
AVALOS, EDUARDO LOPEZ NAVARRO,	§	
ABIGAIL GONZALEZ GOMEZ,	§	
M.M.G. a minor, ESTATE OF SILVESTRE	§	
MORALES ALEJANDRO, JOSE MANUEL	§	
GUTIERREZ LOPEZ, JUAN TRINIDAD ZEA	§	
and VICTOR URIEL PRIETO	§	

Plaintiffs,

v.

FLUOR CORPORATION, FLUOR
ENTERPRISES, INC., AND
FLUOR DANIEL MEXICO, S.A.
Defendants.

§
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§ **JURY TRIAL DEMANDED**

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs' file this Original Petition against the above-listed Defendants, and respectfully show this Honorable Court the following:

I. Summary of this Case

This case arises from a catastrophic explosion that occurred on April 20, 2016 at the Petroquímica Mexicana de Vinilo (PMV) chemical plant in southern Mexico. At least thirty-two workers died and hundreds more were injured and hospitalized. These deaths and injuries were preventable and were caused in whole or part by Defendants' negligence.

Defendants breached their legal duty to provide a safe work environment for the workers at the PMV chemical plant, including the Plaintiffs and Plaintiff family members. Preceding the explosion, the Defendants in the United States were aware of this facility's horrendous safety record, and that flammable materials, including chlorine and ethanol, had been escaping from tanks and pipes located at the facility, yet they did nothing to shut down the facility so that the unsuspecting workers did not enter into what was essentially a ticking time bomb. In fact, the safety aspects for this work were being run and directed out of Defendants' Houston area office. Defendants were also aware that the facility's aged equipment and infrastructure had a history of failures; and that the site had a long history of catastrophic accidents. Defendants collectively turned a blind eye to such problems. Putting profits over safety, Defendants' Houston based safety

department signed off on continued work and then directed their workers and sub-contractors to continue working. Defendants ignored red-flags such as the leaking gas pipes. These negligent actions and omissions were a direct cause of the injuries at issue.

Moreover, Defendants breached their legal duty to provide a safe work environment for the workers at the PMV chemical plant by failing to disclose what they know about the safety aspects of the plant. Defendants were aware that the chemical plant posed safety risks well beyond that of a normal industrial environment, but they insisted that the plant remain active, and that construction proceed, rather than temporarily closing the plant until the safety hazards could be resolved.

Defendants' negligence killed thirty-two people (possibly more) and left hundreds irreparably injured. Plaintiffs suffered severe physical, mental, and emotional injuries. Plaintiff family members suffered from loss of consortium, loss of companionship, and the increased burdens that an injured family members' injuries cause. Plaintiffs hereby seek more than \$1 million in damages from Defendants.

II. Jurisdiction and Venue

At least one of the Defendants is headquartered or resides in Dallas County, and Defendants' safety department is headquartered and run out of its Houston office. As such, all or a significant portion of the events giving rise to Plaintiffs' claims arose in this County. Venue is therefore proper in this County. Further, although Plaintiffs seek damages in excess of \$75,000.00, exclusive of interest and costs, federal courts lack subject matter over this action, as there is no federal question and there is incomplete diversity of citizenship due to the presence of a plaintiff and a defendant who are both residents and citizens of Texas. Removal would thus be improper. No party is asserting any claims arising under the Constitution, treaties, or laws of the United States.

III. Discovery Control Plan

Plaintiffs intend to conduct discovery under a level three discovery control plan pursuant to Tex. R. Civ. P. 190.2.

IV. Parties

Plaintiff Alvaro Avelino de la Cruz, deceased, was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Maria Bertha Malaga Gope as representative of the Estate of Alvaro Avelino de la Cruz, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her husband's estate.

Plaintiff Jonathan Rodriguez Ruiz is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Karla N. Athie as representative of the Estate of Jose Luis Cabrere Romero is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her husband's estate.

Plaintiff Erick J. Camano Ramos, deceased was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Leonarda Ramos as representative of the Estate of Erick J. Camano Ramos, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her son's estate.

Plaintiff Manuel Camano as representative of the Estate of Erick J. Camano Ramos, is an individual who primarily resides in Mexico; he brings claims individually and on behalf of his

son's estate.

Plaintiff Pedro Torres Cerezo is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Efrain Morales Hernandez is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Desiderio Lopez Trejo is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Gabriel Martinez Zamudio, deceased was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Teresa Zamudio Gallegos as representative of the Estate of Gabriel Martinez Zamudio, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her son's estate.

Plaintiff U.I.S. a minor, son of Ulises Rocha Romero, deceased, is an individual who primarily resides in Mexico; he brings claims individually.

Plaintiff Estate of Ulises Rocha Romero, deceased was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Veronica Iglesias Sanchez as representative of the Estate of Ulises Rocha Romero, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her husband's estate.

Plaintiff Gloria Romero Urgel as representative of the Estate of Ulises Rocha Romero, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of

her son's estate.

Plaintiff Estate of Abigail Sanchez de la Cruz, deceased was an individual who primarily resided in Mexico; her estate brings claims on her behalf.

Plaintiff Lucero Rocha Romero as representative of the Estate of Abigail Sanchez de la Cruz, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her daughter's estate.

Plaintiff A.E.S.R. a minor, child Abigail Sanchez de la Cruz, deceased, is an individual who primarily resides in Mexico; he brings claims individually.

Plaintiff J.A.S.R. a minor, child Abigail Sanchez de la Cruz, deceased, is an individual who primarily resides in Mexico; he brings claims individually.

Plaintiff Estate of Fernando Cordero Torres, deceased was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Filomena Torres Cuatzozon as representative of the Estate of Fernando Cordero Torres, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her son's estate.

Plaintiff Ciro Cordero Perez as representative of the Estate of Fernando Cordero Torres, is an individual who primarily resides in Mexico; he brings claims individually and on behalf of his son's estate.

Plaintiff Ubilfrido Cruz Ramirez is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Reyna M. Gongora as representative of the Estate of Nelson Reyes Sanchez is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her

husband's estate.

Plaintiff Nelson Reyes Sanchez is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Estate of Hector Perez Dominguez, deceased was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Yareth del Carmen Hernandez Marquez as representative of the Estate of Hector Perez Dominguez, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her husband's estate.

Plaintiff K.A.P.H a minor, son of Hector Perez Dominguez, deceased, is an individual who primarily resides in Mexico; he brings claims individually.

Plaintiff K.E.P.H a minor, daughter of Hector Perez Dominguez, deceased, is an individual who primarily resides in Mexico; she brings claims individually.

Plaintiff M.A.P.H a minor, son of Hector Perez Dominguez, deceased, is an individual who primarily resides in Mexico; he brings claims individually.

Plaintiff Luz Algeria Carrasco is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Panfilo Dominguez Gonzalez is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Daniel Herrera Cuevas is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the

United States.

Plaintiff Mireya Perez Jimenez, as representative of the Estate of Antonio Perez Gonzalez is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her husband's estate.

Plaintiff Estate of Antonio Perez Gonzalez, deceased was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Jose Angel Perez Morales is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Esperanza Yamileth Marques Solis is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Estate of Julian Rodriguez Aguirre, deceased was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Gladys Raymundo Gonzalez as representative of the Estate of Julian Rodriguez Aguirre, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her husband's estate.

Plaintiff G.R.R. a minor, daughter of Julian Rodriguez Aguirre, deceased, is an individual who primarily resides in Mexico; she brings claims individually.

Plaintiff E.R.R. a minor, daughter of Julian Rodriguez Aguirre, deceased, is an individual who primarily resides in Mexico; she brings claims individually

Plaintiff Estate of Miguel Angel Gardoza Avalos, deceased was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Juana Martinez Reyes as representative of the Estate of Miguel Angel Gardoza Avalos, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her husband's estate.

Plaintiff A.M.R. a minor, daughter of Miguel Angel Gardoza Avalos, deceased, is an individual who primarily resides in Mexico; she brings claims individually.

Plaintiff Eduardo Lopez Navarro is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Estate of Silvestre Morales Alejandro, deceased was an individual who primarily resided in Mexico; his estate brings claims on his behalf.

Plaintiff Abigail Gonzalez Gomez as representative of the Estate of Silvestre Morales Alejandro, is an individual who primarily resides in Mexico; she brings claims individually and on behalf of her husband's estate.

Plaintiff M.M.G., a minor, daughter of Silvestre Morales Alejandro, deceased, is an individual who primarily resides in Mexico; she brings claims individually.

Plaintiff Jose Manuel Gutierrez Lopez is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Juan Trinidad Zea is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Plaintiff Victor Uriel Prieto is an individual who primarily resides in Mexico, although who is attempting to receive treatment for injuries sustained from this event in the United States.

Defendant FLUOR CORPORATION ("Fluor Corp.") is a Delaware corporation

headquartered at 6700 Las Colinas Blvd. in Irving, Texas, which conducts business in Texas. Defendant Fluor Corp. can be served via personal service through its registered agent in Texas, Corporation Service Company *dba* CSC – Lawyers Incorporating Service Company, located at 211 E. 7th Street, Suite 620, Austin, TX 78701-3218;

Defendant FLUOR ENTERPRISES, INC. (“Fluor Enterprises”) is a California corporation headquartered at 6700 Las Colinas Blvd. in Irving, Texas, which conducts business in Texas. Defendant Fluor Enterprises may be served via personal service through its registered agent in Texas, Corporation Service Company *dba* CSC – Lawyers Incorporating Service Company, located at 211 E. 7th Street, Suite 620, Austin, TX 78701-3218;

Defendant FLUOR DANIEL MEXICO, S.A. (“Fluor Daniel”) is a California corporation headquartered at 6700 Las Colinas Blvd. in Irving, Texas, which conducts business in Texas. Defendant Fluor Daniel does not keep a registered agent in Texas; as such, it may be served with process via the Texas Secretary of State through its registered agent in California, Corporation Service Company *dba* CSC – Lawyers Incorporating Service Company, located at 2710 Gateway Oaks Dr. Ste. 150 N, Sacramento, CA 95833.

V. Facts

The PMV facility is co-owned by Mexichem and Petróleos Mexicanos.¹ In 2013, the PMV plant entered into a \$205 Million contract with ICA-Fluor to increase its output capacity (the “Project”). The Fluor Defendants, all of which report their earnings in one filing, “booked” \$102.5 million of this contract, and reported such to the Securities and Exchange Commission (“SEC”).

ICA-Fluor is a joint venture between Texas-based Fluor Daniel and Empresas ICA,

¹ Petróleos Mexicanos, also known as “PEMEX”, is a Mexican state-owned petroleum company.

which is a Mexican holding company. Fluor Daniel is a wholly-owned subsidiary of Texas-based Fluor Enterprises, which is itself a wholly-owned subsidiary of Texas-based Fluor Corp. ICA-Fluor has had an ongoing partnership with Fluor Corp. since 1993.

ICA-Fluor does not have a management team that actually controls its corporate activities. Instead, Fluor-ICA is controlled and managed by key executives from within the Fluor Defendants, most of which office in Texas. For example, Fluor Corp.'s Chief Operating Officer, Peter Oosterveer, who offices in Texas, serves as Director of the ICA Fluor joint venture in Mexico. Mr. Oosterveer managed and supervised the PMV Project from his office in Irving, TX. Indeed, before the explosion, Mr. Oosterveer made a statement on behalf of Fluor and ICA Fluor, that those companies "remain fully committed to Pemex and our other clients in the Mexican Market." As further examples, Geoff Telfer, a senior vice president at Fluor Corp., serves on the on the executive committee of ICA-Fluor. In this capacity, Mr. Telfer managed, supervised and influenced the PMV Project from his office in Irving, TX. Moreover, Joe Brennan, Vice President and General Manager of Fluor Corp., serves as Director of Operations for ICA-Fluor. When Brennan received this appointment, he left the Fluor offices in California, and moved to Mexico City. The entire safety aspect of this work was performed by Flour's safety department which offices in Houston, Texas.

As further evidence of the Fluor Defendants control and involvement in the ICA-Fluor venture, the Fluor Texas entities include in their official filings with the Securities and Exchange Commission all of the activities of ICA-Fluor and the profits from that venture. Similarly, Empresas ICA formally and officially refers to its relationship with the Fluor Defendants as an "ongoing partnership." As might be expected, the Fluor Corp. partnership is evidenced by the fact that Fluor Corp.'s official website contains over twenty news releases specifically pertaining

to ICA-Fluor projects. Indeed, the Fluor Texas entities routinely announce the business activities of ICA-Fluor. The joint venture itself makes no announcements.

Further, the joint venture agreement was negotiated in Texas. The joint venture agreement was executed in Texas. The joint venture's operations were completed, in part, in Texas. The management and supervision of the joint venture is done in Texas. Any "employees" of the joint venture are actually Fluor employees. The joint venture was clearly operated out of Texas. Accordingly, all relevant witnesses and evidence will be found in Texas.

As shown, Fluor Corp. exercises direct control over Fluor Daniel and ICA-Fluor. Fluor Corp. managed, supervised, and influenced the PMV Project from its Texas offices – specifically its Houston based safety department and other management in Dallas. Additionally, Fluor Daniel is headquartered in Dallas County, also in Texas.

Defendant Fluor Corp. directly managed and supervised the PMV Project. Fluor Corp. publically disregarded any pretense that a corporate veil separated Fluor Corp. and Fluor Daniel regarding the PMV plant Project. For example, on October 16, 2013, Fluor Corp. released the following statement:

Fluor Corporation (NYSE: FLR) *announced* today that *its* ICA Fluor industrial engineering-construction *joint venture* with Empresas ICA, S.A.B. de C.V. (BMV: ICA) (NYSE: ICA) *signed a contract with Petroquímica Mexicana de Vinilo (PMV)*, a joint venture between Mexichem, the leading Mexican petrochemical company, and Pemex, Mexico's state-owned oil and gas company, for the revamp of the vinyl chloride monomer (VCM) plant located within the Pajaritos petrochemical complex, near Veracruz. The total contract value is approximately \$205 million. *Fluor will book its \$102.5 million share of the contract* in the fourth quarter of 2013 ... This revamp project will correct problems that have prevented the plant from reaching its

nameplate capacity.²

Senior officers of the Fluor defendants supervised, managed, and oversaw the activities of ICA-Fluor as it worked at the PMV facility in Mexico. Indeed, these senior officers approved schedules and work plans, and were routinely briefed on such matters. More importantly, these senior officers were well aware of the ongoing and serious safety issues at the PMV plant, and were aware of the plethora of leaks that were a constant problem at the facility. Despite this knowledge, the Fluor Defendants pressed forward, ignoring these safety issue and the grave danger that existed. The entire safety aspect of this work was directed, managed and controlled from the Houston based safety department.

On April 20, 2016 in Coatzacoalcas, Mexico, the PMV facility exploded, killing at least thirty-two workers and injuring hundreds of others. Most of those injured or killed were ICA-Fluor employees, or subcontractors of ICA-Fluor. The explosion was so large that it was felt by witnesses over six miles away.

Defendant Fluor Corp. publically acknowledged that the PMV refinery explosion occurred on its watch. On May 5, 2016, the Fluor Corp. Chairman & Chief Executive Officer, David Thomas Seaton, acknowledged this severe tragedy, stating:

This is the worst accident in Fluor's history. This tragic event serves as a reminder to us all that we must hold our core value of safety at the center of all we do. In this very difficult time our hearts are with the families and the friends of those killed in the tragic event.

All Defendants should now be held responsible for their actions and omissions that directly caused this catastrophic explosion.

² Fluor Corporation News Release, October 16, 2013, *available at* <http://newsroom.fluor.com/press-release/company/ica-fluor-build-vinyl-chloride-monomer-plant-mexico> (emphasis added).

VI. Causes of Action

A. First Cause of Action: Negligence--Against all Defendants.

Plaintiffs incorporate the preceding paragraphs of this Petition as if set forth fully below. Every Defendant in this lawsuit owed a legal duty to the Plaintiff to exercise ordinary care. Defendants each breached this duty. Defendants were negligent in one or more of the following ways, each which is a proximate cause of the incident made the basis of this lawsuit:

- Defendants failed to notify Plaintiffs of information that Defendants came to know;
- Defendants failed to notify Plaintiffs that the worksite was no longer safe and the work should cease;
- Defendants failed to perform a competent safety audit or safety inspections;
- Defendants refused to insist that the plant close to correct safety issues, which were well known to Defendants, and instead insisted that employees and subcontractors—including Plaintiff—continue to work under dangerous conditions;
- Defendants failed to warn the workers of conditions and danger of which Defendants knew, but the workers did not;
- Defendants created a dangerous condition that caused the explosion by allowing the gas leaks to continue unabated, this leak was the origin of the explosion that killed or injured numerous workers;
- Defendants failed to warn Plaintiff of the gas leak at the PMV facility and failed to notify Plaintiff that a catastrophic explosion was likely;
- Defendants violated industry recognized consensus standards regarding workplace safety intended to protect workers at the PMV facility;
- Defendants facilitated a culture of negligence by encouraging its employees to hastily

proceed with construction in an effort to meet project deadlines, thereby causing employees to overlook safety concerns such as the gas leak; and

- Defendants put in place, managed, oversaw, supervised, and approved a schedule of work that was dangerous; Defendants failed to require the facility owner to correct issues prior to putting the workers in place, and failed to insist that the facility owner provide protections to the workers. Indeed, Defendants contributed to the danger by carrying out large-scale industrial activities in an environment rife with gas leaks.

Defendants' breach of these duties, one or a combination thereof, proximately caused the deaths of thirty-two individuals, and caused injuries to hundreds of others. The acts of negligence committed by Defendants and their agents, servants, and/or employees, arose directly out of and was done in prosecution of the business that they were employed to do at the PMV facility. Each Defendant is therefore liable under the doctrine of respondeat superior for the negligent actions of their agents, servants, and/or employees.

B. Second Cause of Action: Gross Negligence--Against all Defendants.

Plaintiff incorporates the preceding paragraphs of this Petition as if set forth fully below. Defendants acted with malice.

Defendants' actions were knowing, reckless, and/or malicious, and when viewed objectively from these Defendants' standpoint, involve an extreme degree of risk considering the probability and magnitude of potential harm to others. All Defendants had subjective awareness of the risks involved, but nevertheless proceeded in conscious indifference to the rights, safety and/or welfare of others. Therefore, Plaintiff seeks punitive damages against each Defendant.

VII.
Damages

Plaintiffs' injuries are extensive. As a direct and proximate result of the foregoing events, Plaintiffs have suffered damages in the past and, in reasonable probability, will continue to suffer damages in the future, including physical pain and mental anguish, loss of wages, loss of consortium, and loss of earning capacity, all for which Plaintiffs seek to recover herein.

Plaintiffs collectively seek damages for loss of services, loss of companionship, and loss of consortium.

VIII.
Exemplary Damages

Plaintiffs seek to recover exemplary damages against all Defendants based on their gross negligence in causing the incident and resulting injuries and damages made the basis of this suit.

IX.
Demand for Jury Trial

Plaintiffs hereby request a jury trial on all issues raised in this complaint.

X.
Prayer

For these reasons, Plaintiffs asks that Defendants be cited to appear and answer, and that they have judgment against Defendants for the following:

- a. Actual damages for physical pain and suffering, mental anguish, physical disfigurement, physical impairment, medical expenses, loss of earning capacity, loss of consortium, and loss of services, within the jurisdictional limits of this Court, but no less than \$1 million;
- b. All wrongful death and survivor damages allowed under Texas law;
- c. Exemplary damages;

- d. Court costs;
- e. Pre and post judgment interest; and
- f. All other relief to which the Plaintiffs are justly entitled.

Respectfully submitted,

THE BUZBEE LAW FIRM

By: /s/ Anthony G. Buzbee
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