

CV-0081158

CAUSE NO. _____

ROSIE YANAS and CHRISTOPHER	§	COUNTY COURT AT LAW
STONE, individually and as next	§	
friends of CHRISTOPHER JAKE STONE	§	
	§	
Plaintiffs,	§	
VS.	§	GALVESTON COUNTY, TEXAS
	§	
ANTONIOS PAGOURTZIS and ROSE	§	Galveston County - County Court at Law No. 3
MARIE KOSMETATOS	§	
	§	
Defendants.	§	COURT NO. _____

PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW PLAINTIFFS CHRISTOPHER STONE and ROSIE YANAS, individually and as next friends of CHRISTOPHER JAKE STONE, ("Plaintiffs"), complaining of DEFENDANTS ANTONIOS PAGOURTZIS and ROSE MARIE KOSMETATOS, ("Defendants"), and for causes of action would show unto this Honorable Court, as follows:

I.
DISCOVERY CONTROL PLAN

1. Pursuant to Tex. R. Civ. P. 190.4(a) and (b), Plaintiffs request that discovery be conducted by Court Order (Level 3). Plaintiffs affirmatively plead that this suit is not governed by the expedited-actions process in Rule 169 of the Texas Rules of Civil Procedure.

II.

PARTIES

2. Plaintiffs, as well as the minor for whom they appear as next friends, are residents of Galveston County, Texas.

3. Defendant ANTONIOS PAGOURTZIS is a resident and citizen of the State of Texas and can be served with process at 1130 CR 136A, Alvin, Texas 77511.

4. Defendant ROSE MARIE KOSMETATOS is a resident and citizen of Texas and can be served with process at 1130 CR 136A, Alvin, Texas 77511.

III.

JURISDICTION AND VENUE

5. Venue for this action properly lies in Galveston County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code § 15.002(a)(1) because all or a substantial portion of the horrific events giving rise to the appalling tragedy herein at issue occurred in Galveston County.

6. Jurisdiction is proper because this is a civil case in which the matter in controversy is within the Court's jurisdictional limits.¹ Pursuant to Tex. R. Civ. P. 47(c)(5), Plaintiffs seek more than \$1,000,000 in monetary damages.

IV.

FACTS

7. Plaintiffs CHRISTOPHER STONE and ROSIE YANAS are, or more exactly were, the parents of their beloved son CHRISTOPHER JAKE STONE, a 17 year old, who

¹ See Art. V, § 8, Texas Constitution, V.T.C.A., Tex. Govt. Code § 24.007(a) and § 24.008.

on May 18, 2018 awoke, breakfasted and went on his way to school as a junior at Santa Fe High School, to spend another happy and productive day educating and preparing himself for all the dreams, goals and promise youth presents, entirely unaware of the catastrophic mass crime which would soon rip viciously away his precious and hope-filled life and those of so many others.

8. ANTONIOS PAGOURTZIS and ROSE MARIE KOSMETATOS are the parents of Dimitrios Pagourtzis, a minor, who also awoke and headed to Santa Fe High School as a fellow junior. However, on that black day, neither his life nor his heart contained a shred of hope. On that same day, May 18, 2018, Dimitrios Pagourtzis, ("Murderer"), utilizing his parents' weapons, a .38 caliber handgun and a sawed-off shotgun, made available to him directly and proximately due to his parents' negligent and grossly negligent failure to properly secure their guns and keep them out of the hands of their minor son, went to Santa Fe High School and coldly and calculatingly shot and brutally murdered CHRISTOPHER JAKE STONE and numerous other innocent victims. The Murderer grievously injured still more, all either fellow students or a substitute teacher, the Murderer deemed unworthy of the precious life he chose not to take from himself, all of whom having the innocent but terrible misfortune to be in the same school at the same time as the monstrous Murderer who rampaged among them. And, as each bullet ripped home, gone in an instant were lives not fulfilled, marriages not happening, children not born, the ripple effect of so many good people touching the lives of others stilled forever.

9. Had the Murderer not had available to him the weapons for his carnage, his hidden black rage might well have continued to simmer within, but, the life's blood of his teacher and peers, including DECEDENT CHRISTOPHER JAKE STONE, would not have been so horribly, callously and needlessly spilled. The Murderer pulled the pistol's and sawed-off shotgun's triggers, but also upon them, pressed just as firmly, were the fingers of his parents, who utterly failed to teach their son any respect for life whatsoever and who negligently and grossly negligently failed to secure their weapons in a reasonable and prudent way and put them directly and proximately into use as authors of community-wide tragedy and incomprehensible loss. So, pursuant to the firm and unbloodied hands of justice and the great common law of Texas, Plaintiffs, for their unjustly dead son, demand that the Murderer's parents, these Defendants, be held fully accountable in compensable and exemplary damages for the dreadful and irredeemable losses their weapons directly and proximately caused.

V.
CAUSES OF ACTION

A. NEGLIGENCE.

10. The Defendants were negligent on the occasion in question and proximately caused Plaintiffs' damages by:

- a) Failing to properly secure their weapons;
- b) Permitting Murderer Dimitrios Pagourtzis to have access to their weapons and ammunition;
- c) Failing to obtain mental health counseling and services for Murderer Dimitrios Pagourtzis;

- d) Failing to properly warn the public of Murderer Dimitrios Pagourtzis' dangerous propensities; and
- e) Negligently entrusting their weapons to Murderer Dimitrios Pagourtzis.

11. Each and every of the above negligent acts and/or omissions, whether singularly and/or collectively, was and/or were a direct and proximate cause of the resulting injuries and damages to Plaintiffs.

B. GROSS NEGLIGENCE.

12. Plaintiffs hereby assert a claim for gross negligence. Pursuant thereto, Plaintiffs seek punitive or exemplary damages in order to punish and deter the outrageous conduct taken in the needless and reckless disregard for the safety of CHRISTOPHER JAKE STONE and others, as a result of Defendants' conscious indifference to the rights, welfare and safety of CHRISTOPHER JAKE STONE and others in violation of the laws of the State of Texas, in grossly negligently permitting their Murderer son to have access to their weapons. Plaintiffs allege that Defendants' conduct amounted to gross neglect and/or malice as those terms are defined under Tex. Civ. Prac. & Rem. Code Ch. 41, (§§ 41.001, *et seq.*), as well as Texas common law.

VI.
WRONGFUL DEATH AND SURVIVAL CLAIMS

13. Plaintiffs CHRISTOPHER STONE and ROSIE YANAS, individually and as next friends of DECEASED CHRISTOPHER JAKE STONE, are statutory beneficiaries of CHRISTOPHER JAKE STONE and are entitled to bring these causes of action pursuant to the Texas Wrongful Death Act and Texas Survival Statutes set out in Tex.

Civ. Prac. & Rem. Code Ch. 71, (§§ 71.001, *et seq.*). Plaintiffs, as heirs and next friends of CHRISTOPHER JAKE STONE, seek damages for his injuries and death and their own consequent injuries and damages.

VII.
COMPENSATORY DAMAGES

14. Plaintiffs CHRISTOPHER STONE and ROSIE YANAS are the surviving parents of CHRISTOPHER JAKE STONE, who was 17 years old at the time of his grotesquely wrongful death. His parents have lost the love, support, nurture and companionship they would have shared for the remainder of their lives with their beloved son, of whom they were so proud. His parents have suffered the unusual and severe mental anguish and grief only their son's sudden, unexpected, unjustified and absolutely unnecessary tragic death could cause. They have also lost all of the economic support they would have received from CHRISTOPHER JAKE STONE for the remainder of their lives, as they aged and watched his children, their grandchildren, grow.

15. Further, as a result of the wrongful death of CHRISTOPHER JAKE STONE, his Estate is entitled to seek damages for the pain, suffering, and mental anguish he suffered prior to his death, and the damages his Estate will incur for his funeral and burial expenses.

IX.
PREJUDMENT INTEREST

16. In addition to the above and foregoing allegations, Plaintiffs further plead that they are entitled to prejudgment interest at the highest rate allowed by law.

X.
REQUEST FOR DISCLOSURE

17. Under Texas Rule of Civil Procedure 194.1, Plaintiffs request that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2(a) through (l).

XI.
AUTHENTICATION AND PRESERVATION

18. In accordance with Texas Rule Civil of Procedure 193.7, notice is hereby given that Plaintiffs intend to use at trial and/or in pre-trial proceedings, all documents produced in discovery. Defendants are hereby given notice that any document or other material, including electronically stored information, that may be evidence or relevant to any issue in this case is to be preserved in its present form until this litigation is concluded. Pursuant to the doctrine of spoliation, as that term is understood in Texas law, Defendants are further placed on notice of their obligation to safeguard and preserve all documents or other physical evidence now in their possession which might bear in any way upon either discovery or the discovery of admissible evidence in this case and of Plaintiffs' intention to seek sanctions of the Court should they fail, either intentionally or by neglect, to do so.

XII.
JURY REQUEST

19. Pursuant to Tex. R. Civ. P. 216(a), Plaintiffs hereby timely request a trial by a jury of their peers of all causes of action herein asserted. Pursuant to Tex. Rule Civ. P. 216(b), Plaintiffs are, concurrently with the filing of this Original Petition, paying the requisite

jury fee to the Clerk of this Court, regarding which the Clerk is respectfully requested to note receipt thereof upon the Court's docket sheet.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein, and that upon final hearing, Plaintiffs have judgment against Defendants, jointly and severally, for damages described, for costs of suit, pre-judgment interest permitted by law, and for such other relief, at law and in equity, to which Plaintiffs may show themselves justly entitled.

Respectfully Submitted,

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