

CAUSE NO. _____

EDUARDO RODRIGUEZ § IN THE DISTRICT COURT OF
 §
 § HARRIS COUNTY, TEXAS
V. §
 § ___ DISTRICT COURT
FORCE CORPORATION, §
INDUSTRIAL SOLUTIONS, INC., & §
KURARAY AMERICA EVAL § **JURY TRIAL DEMANDED**

PLAINTIFF’S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES Plaintiff Eduardo Rodriguez complaining of Defendants Force Corporation, Industrial Solutions, Inc., and Kuraray American Eval, Inc. and for cause of action would respectfully show this Honorable Court the following:

I. BACKGROUND

On May 19, 2018, Plaintiff was working for Turner Industries at Kuraray America’s facility in Pasadena. The plant produces various types of plastic. At approximately 10 a.m. an over-pressurization of piping in the plant caused an explosion that resulted in a fireball shooting into the sky. Apparently, a safety release valve failed and caused an over-pressurization in piping. Industrial Services personnel were on the insulating tower doing work where the explosion occurred. Force Corp. was performing welding and pipefitting operations on the equipment that led to the explosion. All led to the over pressurization and subsequent explosion.

Plaintiff was on top of a 25 foot high scaffold at the time of the explosion. As a result of the explosion and flames, Plaintiff was burned significantly and was forced to jump 25 feet to the ground.

II. DISCOVERY LEVEL

Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure Rule 190.3 and affirmatively pleads that he seeks monetary relief of in excess of the jurisdictional limits of this Honorable Court.

III. PARTIES

Plaintiff is a resident of Harris County, Texas.

Defendant Force Corporation is a domestic corporation with its principal place of business in Harris County, Texas. This Defendant can be served via personal service through its registered agent, James Jackson, 4620 Fairmont Parkway, Suite 107, Pasadena, Texas 77504.

Defendant Industrial Solutions, Inc. is a domestic corporation registered to do business in the state of Texas. This Defendant can be served via its chief executive, via personal service at 6022 Sycamore Avenue, Pasadena, Texas

Defendant Kuraray America is a foreign corporation that keeps a registered agent in the state. It may be served via personal service through its registered agent: CT Corp. System, Inc., 1999 Bryan St., Ste. 900, Dallas, TX 75201..

IV. JURISDICTION AND VENUE

This court has personal jurisdiction over the Defendants because each Defendant resides in the State of Texas and/or is registered to do business in Texas and has continuous and systemic business activities in this state. Venue is proper in Harris County because Defendant Safway Services maintains its principal office in Harris County.

V. CAUSES OF ACTION

1. NEGLIGENCE (ALL DEFENDANTS)

Defendants owed a duty of reasonable care to the Plaintiff. Defendants breached the duty of reasonable care in one or more of the following non-exclusive ways, among others:

- a. Failing to create and/or enforce safety rules and guidelines;
- b. Contributing to and failing to provide an unsafe work site;
- c. Failing to recognize and remediate hazards;
- d. Participating in and contributing to acts that caused the incident in question;
- e. Failing to provide timely assistance, or to ensure other protections were in place;
- f. Failing to warn of a known hazard;
- g. Failing to read, understand, and follow published safe work policies and procedures;
- h. Promulgating and following unsafe work policies;
- i. Creating latent dangers, but failing to warn of same;
- j. Failing to provide adequate equipment and competent personnel;
- k. Failing to ensure a safe work area.
- l. Failing to institute precautionary measures to protect individuals working on the premises and work site;
- m. Failing to use proper equipment;
- n. Failing to properly train and screen contractors at the facility;
- o. Failing to properly and timely fix any job hazards; and
- p. Failing to maintain a safe work environment for contractors, including Plaintiff at the facility.

Each of these acts and omissions, singularly or in combination with others, constitute negligence which was the proximate cause of this incident and Plaintiff's injuries.

2. GROSS NEGLIGENCE (ALL DEFENDANS)

Plaintiff re-alleges each aforementioned allegation. Plaintiff will further show that the acts and/or omissions of Defendants, when viewed objectively from each Defendants' standpoint, involve an extreme degree of risk considering the probability and magnitude of the potential harm

to others, namely those on the work site. Defendants had actual subjective awareness of the risk involved, but nevertheless proceeded in conscious indifference to the rights, safety, and/or welfare of others, including Plaintiff.

Defendants knew or should have known of the risk associated with using incorrect, insufficient, or defective piping and valves for this job. As such, Defendants' actions and omissions constitute gross negligence and malice as those terms are understood by law. Therefore, Plaintiff prays that punitive damages be awarded against Defendants. Plaintiff would show that nothing Plaintiff did, or failed to do, in any way contributed to this incident.

VI. DAMAGES

Because of the nature of Defendants' actions, Plaintiff seeks punitive damages. Plaintiff seeks court costs, as well as pre-judgment and post-judgment interest at the appropriate rate allowed by law. Plaintiff seeks any other and further relief to which Plaintiff may show himself justly entitled. Plaintiff demands more than \$1 million from Defendants.

All conditions precedent have been performed or have occurred.

VII. JURY DEMAND

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

VIII. REQUEST FOR DISCLOSURE

Pursuant to TRCP 194.2, Plaintiff requests that you provide the information required under the request for disclosure, TRCP 194.2, within fifty days.

IX. PRAYER

For these reasons, Plaintiff asks that Defendants be cited to appear and answer and that Defendants are joint and severally liable for the following:

- a. Physical pain and suffering in the past and future;
- b. Mental anguish in the past and future;

- c. Physical impairment in the past and future;
- d. Medical expenses in the past and future;
- e. Loss of consortium and companionship in the past and future;
- f. Loss of earning capacity in the past and future;
- g. Loss of household services in the past and future;
- h. Punitive damages in such amount as may be found proper and just under the facts and circumstances as determined by the jury;
- i. Costs of suit;
- j. Prejudgment and post-judgment interest; and
- k. All other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

THE BUZBEE LAW FIRM

By: /s/ Anthony G. Buzbee

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