

Velva L. Price
District Clerk
Travis County
D-1-GN-18-002848
Selina Hamilton

NO. D-1-GN-18-002848

CIARA LOPEZ
Plaintiff,

§ **IN THE DISTRICT COURT**

§

§

V.

§ 459TH **JUDICIAL DISTRICT**

§

§

ALEJANDRO M. SANCHEZ, DBA
U.S. INTERNATIONAL SECURITY
SERVICE, FRANK ARISPE JR AND
ROSITAS AL PASTOR LLC.

§

Defendants.

§ **OF TRAVIS COUNTY, TEXAS**

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Ciara Lopez, hereinafter called Plaintiff, complaining of and about Alejandro M. Sanchez (aka Alex), dba U.S. International Security Service, Frank Arispe Jr and Rosita's Al Pastor LLC also known as Rosita's Al Pastor's Taco Trailer and Restaurant hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Ciara Lopez, is an Individual whose address is 4502 Aristocrat Dr., Austin, Texas 78725.
3. The last three numbers of Ciara Lopez's driver's license number are '
4. Defendant **Alejandro M. Sanchez (aka Alex or Alexandro)** is the owner and manager of International Security Service, a security company based in Texas and service of process may be effected by personal service on Alexandro M. Sanchez at 7901 Cameron Rd, Austin, Texas 78754 (512-492-7202). Service on **Frank Arispe Jr.**, an employee of US International Security Service at the time of this incident may be served by personal service at

260 Tranquility Mountain, Buda Texas 78610. Service on **Rosita's Al Pastor LLC**, a Texas Business filing an Assumed Name Certificate and a Corporation, may be had by serving Rosa Juarez, Manager at 5546 Hitcher Bend, Austin, Texas 78749. All defendants are being sued individually and personally.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.
6. Plaintiff seeks:
 - a. monetary relief over \$200,000 but not more than \$1,000,000.
7. This court has jurisdiction over the parties because Defendants are all Texas residents and businesses..
8. Venue in Travis County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

9. On July 3, 2016, Plaintiff and friends were in line to purchase food at Rosita's Al Pastor food trailer located at 1919 E. Riverside. Plaintiff was fully compliant with all local and federal rules, laws and policies and was not causing a disturbance. Rosita's Al Pastor food trailer is owned and controlled by Defendant Rosita's Al Pastor LLC. As Plaintiff stood in line awaiting her opportunity to place a food order, Defendant Frank Arispe Jr., a person employed by Defendant Alejandro M Sanchez, through U.S. International Security. Rosita's Al Pastor LLC and working under the control and directions of Rosita's Al Pastor food trailer and Restaurant, immediately approached Plaintiff and began to grab and assault her. Alexandro Sanchez trained, supervised and controlled all actions of Frank Arispe Jr. while performing security services for

Al Pastor LLC. Defendant Arispe physically struck and assaulted Plaintiff and forcefully threw her against the food trailer and caused physical injuries to Plaintiff. Plaintiff continuously complied with any and all reasonable request by Defendants and never violated any laws, statutes or rules and did not take any assaultive actions against any individuals. Defendant Arispe was personally offended that Plaintiff was physically holding her female companion and demanded Plaintiff remove her arms from making contact with her companion. At no time did Plaintiff place her hands inside her companion's clothing or violate any laws or ordinances. Defendant Arispe immediately forcefully grabbed Plaintiff's hands and aggressively pushed them behind her back and place his handcuffs on her wrists, thereby placing her under arrest. Defendant threatened to continue the arresting of Plaintiff unless she stopped holding her female companion as he stated that he believed her actions were offensive. At all times relevant to this incident, numerous male-female couples were engaged in the same and/or similar physical contacts as was done by Plaintiff.

10. Individuals who observed Defendant's actions immediately demanded Defendant Arispe Jr. release Plaintiff and called the Austin Police Department to send an officer to take control of Defendant Arispe Jr. Defendant Arispe determined to release the handcuffs off Plaintiff when he was made aware that his actions had caused her physical injuries and had created a crowd of on lookers. Plaintiff immediately returned to the location of her friends and associates and refused to interact with Defendant Arispe Jr.

11. Plaintiff had emotional and physical injuries caused completely and simply by the actions of Defendant Arispe. Plaintiff's watch was broken because of Defendants' actions. Plaintiff suffered injuries which included shoulder, facial and jaw pains and was eventually diagnosed with rotator cuff injury based upon the actions described herein.

12. Frank Arispe Jr., Alejandro M. Sanchez and Rosita's Al Pastor LLC's security service, employees and agents all had a duty to treat Plaintiff and her female friends equally and not to discriminate against them, to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

13. Plaintiff's injuries were proximately caused by all Defendants' negligent, careless and reckless disregard of said duty and their sexual discrimination against Plaintiff.

14. The negligent, careless and reckless disregard of duty and Plaintiff's rights including the assault on Plaintiff and the physically placing her in handcuffs and causing her to be physically thrown up against the Defendants' trailer.

15. At the time of the occurrence of the acts in question and immediately prior thereto, Frank Arispe Jr was within the course and scope of employment for Defendants Alejandro Sanchez, dba International Security Service and Rosita's Al Pastor LLC. Defendants' actions were in furtherance of all Defendants' businesses and was being engaged in according to the training, agreements and requests of all named Defendants.

EXEMPLARY DAMAGES

16. Defendants had a specific intent to cause substantial injury or harm to the Plaintiff. Defendants had knowledge their actions were discriminatory and would violate Plaintiff's Civil Rights to equal treatment and services.

17. Defendants acts or omissions described above, when viewed from the standpoint of all Defendants at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendants had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or

welfare of Plaintiff and others.

18. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded to Plaintiff from Defendants.

DAMAGES FOR PLAINTIFF, CIARA LOPEZ

19. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Ciara Lopez was caused to suffer numerous damages to include the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, Ciara Lopez for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Travis County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Loss of earnings in the past;
- G. Loss of Consortium in the past;
- H. Property damages ;
- I. Mental anguish in the past; and
- J. Mental anguish in the future.
- K. Sexual discrimination

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Ciara Lopez, respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants for damages in an amount within

the jurisdictional limits of the Court; exemplary damages, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

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PLAINTIFF HEREBY DEMANDS TRIAL BY JURY