

I.

DISCOVERY CONTROL PLAN

1. Plaintiffs intend to conduct discovery under Level III of Texas Rule of Civil Procedure 190.4 because they seek monetary relief aggregating more than \$50,000, and requests that the Court enter a Discovery Control Plan and place this case on Level III.

II.

PARTIES

1. Plaintiffs Teodora Sanchez, individually and as next friend of David Sanchez, Jr., a minor, and Nareyeda Sanchez reside in Dallas County, Texas.

2. Plaintiff Carolina Sanchez resides in Travis County, Texas.

3. Manuel Cabrera is a resident of Harris County, Texas and service of process may be had upon Defendant by serving citation on him at his residence, 16631 Kassikay Dr., Houston, Texas 77084; or at his place of business, Los Cucos Mexican Café, 876 Loop 337, Building 501, New Braunfels, TX 78130; or wherever he is found.

4. Defendant El Alasan Yel Rosillo, LLC, is a limited liability corporation doing business in Dallas County, Texas. Service of process may be had upon Defendant by serving a citation and petition on the registered agent for

service, Manuel Cabrera, 16631 Kassikay, Houston, Texas 77084 or wherever Defendant is found.

5. Defendant Plaza Tierra Caliente, Inc., is a Texas corporation doing business in Dallas County, Texas. Service of process may be had upon Defendant by serving a citation and petition on the registered agent for service, Enrique1 Zamora Garcia, 4500 Timothy Road, Fort Worth, Texas 76115.

6. Defendant Salvador Cornejo, a/k/a “Chava” Cornejo, is a resident of Liberty County, Texas and service of process may be had upon Defendant by serving citation on him (a) at his residence, 6905 Hidden Acres Dr., Cleveland, Texas 77328; (b) at his place of business at Plaza Tierra Caliente, located at 705 Patrick Pike Rd., Ferris, Texas; or (c) wherever Defendant is found.

III.

VENUE AND JURISDICTION

1. Venue is proper in Dallas County pursuant to §15.001 *et seq.* of the Texas Civil Practice & Remedies Code because a substantial part of the actions and omissions giving rise to Plaintiffs’ causes of action occurred in Dallas County, Texas.

2. Jurisdiction is proper because the amount in controversy exceeds the minimum jurisdictional limits of this Court.

IV.

CLAIM FOR RELIEF

1. Plaintiffs seek monetary relief, in accordance with TEX. R. CIV. P. 47(c), for more than \$1,000,000.

V.

FACTS

1. Defendants Manuel Cabrera and El Alasan Yel Rosillo, LLC owned the property at 705 Patrick Pike Rd., Ferris, Dallas County, Texas.

2. Defendant Salvador “Chava” Cornejo leased the property from Defendants Manuel Cabrera and El Alasan Yel Rosillo, LLC.

3. Defendant Cornejo promoted and operated the Plaza Tierra Caliente rodeo on that property.

4. On or about May 14, 2016, decedent David Sanchez attended the rodeo being held by Defendants Cornejo and Plaza Tierra Caliente, Inc. at the property leased by Defendant Salvador Cornejo, a/k/a Chava Cornejo and owned by Defendant Manuel Cornejo and El Alasan Yel Rosillo, LLC. David Sanchez was invited to assist in securing a bull in the bucking chute when the bull broke loose from the rope securing it. The bull backed out of the chute and struck and tossed decedent into the air and then trampled David Sanchez resulting in his death.

VI.

CAUSES OF ACTION AGAINST DEFENDANTS

1. At all times relevant herein, Defendants owned, operated, or controlled the rodeo in question. Defendant knew or should have known that there was a potential for serious injury or death should a bull break loose from its rope while securing the bull into the chute.

2. Defendants failed to exercise ordinary care to protect David Sanchez from the danger and health risk posed by a bull that has broken loose inside the arena prior to being secured in its chute.

4. Defendants' negligent acts and omissions proximately caused the death of David Sanchez, resulting in damages sustained by Plaintiffs. Defendants' negligent acts and omissions include, but are not limited to, the following:

- A. Failing to provide an exit accessible to David Sanchez to escape a bull when it breaks loose;
- B. Failing to maintain the rope tied to the bull in question in good, working condition;
- C. Failing to inspect the rope in question;
- D. Failing to utilize a safe method to fence bulls into the chute;
- E. Failing to train personnel in a safe method to fence bulls into the chute;
- F. Failing to remove extra personnel from the arena when a bulls in being positioned into the chute.

5. Defendants' conduct, through its officers, employees, agents, and/or representatives, as set forth herein and otherwise, constitutes negligence by act or omission, each and all of which was a proximate cause of the occurrence in question and the death of David Sanchez and Plaintiffs' damages resulting from the occurrence in question.

6. Plaintiffs' causes of action are brought in part pursuant to TEX. CIV. PRAC. & REM. CODE §§ 71.001-71.012 (Texas Wrongful Death Act) and TEX. CIV. PRAC.& REM. CODE ANN. § 71.021 (Texas Survival Act).

VII.

DAMAGES FOR PLAINTIFF TEODORA SANCHEZ INDIVIDUALLY

1. Plaintiff Teodora Sanchez is the wife of the decedent, David Sanchez. As a result of the death of her husband, Plaintiff Teodora Sanchez suffered severe mental anguish in the past and in all reasonable probability will continue in the future; and loss of companionship, society, services, advice, love, comfort, assistance, support, familial consortium, and counsel sustained in the past and which in all reasonable probability will continue in the future.

2. Plaintiff has also lost the financial support that her husband would have provided her had he lived, which she sustained in the past and which in all reasonable probability will continue in the future.

VIII.

DAMAGES FOR THE ESTATE OF DAVID SANCHEZ

David Sanchez's damages include conscious physical pain and suffering and mental anguish, reasonable and necessary healthcare expenses, and reasonable funeral and burial expenses.

IX.

DAMAGES FOR DAVID SANCHEZ, JR., A MINOR

1. David Sanchez, Jr., is the minor son of decedent David Sanchez. As a result of the death of his father, David Sanchez, Jr., suffered severe mental anguish sustained in the past and which in all reasonable probability will continue in the future; and loss of companionship, society, services, advice, love, comfort, assistance, support, familial consortium, and counsel sustained in the past and which in all reasonable probability will continue in the future; loss of pecuniary benefits sustained in the past and that in all reasonable probability will continue in the future; and loss of inheritance.

2. David Sanchez, Jr. was a bystander who had a very close relationship to his father and who was positioned near the scene of his father's fatal injuries. David Sanchez, Jr. sustained shock resulting from a direct emotional impact from personally seeing, hearing, and reacting to his father's encounter with the loose bull while contemporaneously observing his father's death.

X.

DAMAGES FOR PLAINTIFF NEREYDA SANCHEZ

Nereyda Sanchez is the daughter of the decedent, David Sanchez. As a result of the death of her father, Nereyda Sanchez suffered severe mental anguish sustained in the past and which in all reasonable probability will continue in the future; and loss of companionship, society, services, advice, love, comfort, assistance, support, familial consortium, and counsel sustained in the past and which in all reasonable probability will continue in the future; loss of pecuniary benefits sustained in the past and that in all reasonable probability will continue in the future; and loss of inheritance.

XI.

DAMAGES FOR CAROLINA SANCHEZ

Carolina Sanchez is the daughter of the decedent, David Sanchez. As a result of the death of her father, Carolina Sanchez suffered severe mental anguish sustained in the past and which in all reasonable probability will continue in the future; and loss of companionship, society, services, advice, love, comfort, assistance, support, familial consortium, and counsel sustained in the past and which in all reasonable probability will continue in the future; loss of pecuniary benefits sustained in the past and that in all reasonable probability will continue in the future; and loss of inheritance.

XII.

CLAIM FOR PREJUDGMENT AND POST-JUDGMENT INTEREST

Plaintiffs claim interest in accordance with Texas Finance Code §304.001 *et seq.* and any other applicable law.

XIII.

JURY DEMAND

Plaintiffs demand a jury trial and tender the appropriate fee with the Original Petition.

XIV.

REQUEST FOR DISCLOSURE AND PRESERVATION

1. Under Texas Rule of Civil Procedure 194, Plaintiffs request that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

2. The Defendants are hereby given notice that all documents or other materials, including electronically stored information, video footage, photographs, and all items relating to this incident which may be evidence and relevant to any issue in this case, are to be preserved in their post-incident and present form until this litigation is concluded.

XV.

NOTICE PURSUANT TO T.R.C.P. 193.7

Plaintiffs provide notice to Defendants pursuant to Rule 193.7 of the Texas Rules of Civil Procedure that Plaintiffs may utilize as evidence, during the trial of this lawsuit, all documents exchanged by the parties in written discovery in this case.

XVI.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein and upon final hearing of this cause, Plaintiffs have judgment against Defendants for damages described herein, for costs of suit, pre-judgment and post judgment interest permitted by law, and for such other and further relief, general and special, legal and equitable, to which Plaintiffs may be justly entitled.

Respectfully submitted,

TURLEY LAW FIRM

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