

PETITION 2

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CAUSE NO. _____

TRAVIS HORTON, ANDREA HORTON,
DAVID RAINS, DANIELA CORTEZ,
MARIO RUIZ, DANIEL DRAWSAND,
CATHERINE DRAWSAND, ANDRES
UNRIOSTEGUI, MARIA URIOSTEGUI,
BENITO HERNANDEZ, MARIA
HERNANDEZ, JUAN TORRES, MARIA J.
HERNANDEZ, ROZALINDA GOMEZ,
FRANCISCO LOZANO, LETICIA
ALARCON, MARIO GINALDO MARIA
GINALDO, MIGUEL PUENTE SALAZAR,
MARIA SALAZAR, KEVIN ARGO,
LEONOR BELTRAN, ELBA LEMUS,
DANIEL JUAREZ, CATHERINE
NORTON, BICH DAO NGUYEN,
HOMERO REGALDO, ADAM ONTOYA-
TORRES, VICTORIA TORRES, PAMELA
ROBERSON, KAREN FORD TODD,
TRIVIA DOUGLAS, CYNTHIA TATES,
EDITH VAESA, PHONG NGUYEN,
DAN BERRY ARGO STACY ARGO,
RICHARD GANNON, AMBER LANE,
ALISON LONG, JOSEPH CROPPER,
EVER OMAR BAUTISTA, JOSE
ROMERO, MAYRA REYES, LUZ MARIA
VILLA, FERNANDA PIERRE, ROBERT
OJEDA, MARCOS RAMOS, EVELYN
IBARRA, LAWRENCE SEPULVEDA,
TERRI SEPLUVEDA, CHRIS SANTIFF,
CATHERINE LAAKE, SERGIO CRUZ,
ARNOLD BALLINGER, LASHONDA M.
HENDERSON, JULISSA RUIZ, BRIAN
REGO AND VIET TRAN

Plaintiffs,

VS.

WATSON VALVE SERVICES, INC.,
WATSON GRINDING AND
MANUFACTURING, CO.

Defendants.

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION ALONG WITH
RULE 194 REQUESTS FOR DISCLOSURE TO ALL DEFENDANTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, TRAVIS HORTON, ANDREA HORTON, DAVID RAINS, DANIELA CORTEZ, MARIO RUIZ, DANIEL DRAWSAND, CATHERINE DRAWSAND, ANDRES UNRIOSTEGUI, MARIA URIOSTEGUI, BENITO HERNANDEZ, MARIA HERNANDEZ, JUAN TORRES, MARIA J. HERNANDEZ, ROZALINDA GOMEZ, FRANCISCO LOZANO, LETICIA ALARCON, MARIO GINALDO, MARIA GINALDO, MIGUEL PUENTE SALAZAR, MARIA SALAZAR, KEVIN ARGO, LEONOR BELTRAN, ELBA LEMUS, DANIEL JUAREZ, CATHERINE NORTON, BICHDAO NGUYEN, HOMERO REGALDO, ADAM ONTOYA-TORRES, VICTORIA ONTOYA-TORRES, PAMELA ROBERTSON, KAREN FORD TODD, TRIVIA DOUGLAS, CYNTHIA TATES, EDITH VAESA, PHONG NGUYEN, DAN BERRY ARGO, STACY ARGO, RICHARD GANNON, AMBER LANE, ALISON LONG, JOSEPH CROPPER, EVER OMAR BAUTISTA, JOSE ROMERO, MAYRA REYES, LUZ MARIA VILLA, FERNANDA PIERRE, ROBERT OJEDA, MARCOS RAMOS, EVELYN IBARRA, LAWRENCE SEPULVEDA, TERRI SEPLUVEDA, CHRIS SANTIFF, CATHERINE LAAKE, SERGIO CRUZ, ARNOLD BALLINGER, LASHONDA M. HENDERSON AND JULISSA RUIZ, BRIAN REGO and VIET TRAN Plaintiffs in the above-styled and numbered cause, files their Plaintiffs' Original Petition along with Rule 194 Requests for Disclosure to All Defendants complaining of Defendants, WATSON VALVE SERVICES, INC., WATSON GRINDING AND MANUFACTURING, CO. and for cause(s) of action would respectfully show this Honorable Court as follows:

**I.
DISCOVERY PLAN**

1. Discovery in this case is to be conducted under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure as the Plaintiffs seek monetary relief over \$1,000,000.00

II.
REQUEST PURSUANT TO RULE 28 FOR SUBSTITUTION OF TRUE NAME

2. To the extent that any of the above-named Defendants are conducting business pursuant to a trade name or assumed name, suit is brought against them pursuant to the provisions of Rule 28 of the Texas Rules of Civil Procedure, and Plaintiffs demand upon answering this suit, that the Defendants answer in their correct legal and assumed names.

III.
PARTIES

3. Plaintiff TRAVIS HORTON is a natural person residing in Harris County, Texas.
4. Plaintiff DAVID RAINS is a natural person residing in Harris County, Texas.
5. Plaintiff DANIELA HERNANDEZ CORTEZ is a natural person residing in Harris County, Texas.
6. Plaintiff MARIO RUIZ is a natural person residing in Harris County, Texas.
7. Plaintiff DANIEL DRAWSAND is a natural person residing in Harris County, Texas.
8. Plaintiff CATHERINE DRAWSAND is a natural person residing in Harris County, Texas.
9. Plaintiff ANDRES URIOSTEGUI is a natural person residing in Harris County, Texas.
10. Plaintiff MARIA URIOSTEGUI is a natural person residing in Harris County, Texas.

11. Plaintiff BENITO HERNANDEZ is a natural person residing in Harris County, Texas.
12. Plaintiff MARIA HERNANDEZ is a natural person residing in Harris County, Texas.
13. Plaintiff JUAN FERNANDO TORRES is a natural person residing in Harris County, Texas.
14. Plaintiff MARIA HERNANDEZ is a natural person residing in Harris County, Texas.
15. Plaintiff FRANCISCO LOZANO is a natural person residing in Harris County, Texas.
16. Plaintiff ROZALINDA GOMEZ is a natural person residing in Harris County, Texas.
17. Plaintiff LETICIA ALARCON is a natural person residing in Harris County, Texas.
18. Plaintiff MARIO GINALDO is a natural person residing in Harris County, Texas.
19. Plaintiff MARIA GINALDO is a natural person residing in Harris County, Texas.
20. Plaintiff MIGUEL PUENTE SALAZAR is a natural person residing in Harris County, Texas.
21. Plaintiff MARIA SALAZAR is a natural person residing in Harris County, Texas.
22. Plaintiff KEVIN ARGO is a natural person residing in Harris County, Texas.
23. Plaintiff LEONOR BELTRAN is a natural person residing in Harris County, Texas.
24. Plaintiff ELBA LEMUS is a natural person residing in Harris County, Texas.
25. Plaintiff DANIEL JUAREZ is a natural person residing in Harris County, Texas.

26. Plaintiff CATHERINE NORTON is a natural person residing in Harris County, Texas.
27. Plaintiff BICH DAO NGUYEN is a natural person residing in Harris County, Texas.
28. Plaintiff HOMERO REGALDO is a natural person residing in Harris County, Texas.
29. Plaintiff ADAM ONTOYA-TORRES is a natural person residing in Harris County, Texas.
30. Plaintiff PAMELA ROBERSON is a natural person residing in Harris County, Texas.
31. Plaintiff KAREN FORD TODD is a natural person residing in Harris County, Texas.
32. Plaintiff TRIVIA DOUGLAS is a natural person residing in Harris County, Texas.
33. Plaintiff CYNTHIA TATES is a natural person residing in Harris County, Texas.
34. Plaintiff EDITH VAESA is a natural person residing in Harris County, Texas.
35. Plaintiff PHONG NGUYEN is a natural person residing in Harris County, Texas.
36. Plaintiff DAN ARGO is a natural person residing in Harris County, Texas.
37. Plaintiff STACY ARGO is a natural person residing in Harris County, Texas.
38. Plaintiff RICHARD GANNON is a natural person residing in Harris County, Texas.
39. Plaintiff AMBER LANE is a natural person residing in Harris County, Texas.
40. Plaintiff ALISON LONG is a natural person residing in Harris County, Texas.
41. Plaintiff JOSEPH CROPPER is a natural person residing in Harris County, Texas.

42. Plaintiff EVER OMAR BAUTISTA is a natural person residing in Harris County, Texas.

43. Plaintiff JOSE ROMERO is a natural person residing in Harris County, Texas.

44. Plaintiff MAYRA REYES is a natural person residing in Harris County, Texas.

45. Plaintiff LUZ MARIA VILLA is a natural person residing in Harris County, Texas.

46. Plaintiff FERNANDA PIERRE is a natural person residing in Harris County, Texas.

47. Plaintiff ROBERT OJEDA is a natural person residing in Harris County, Texas.

48. Plaintiff MARCOS RAMOS is a natural person residing in Harris County, Texas.

49. Plaintiff EVELYN IBARRA is a natural person residing in Harris County, Texas.

50. Plaintiff LAWRENCE SEPULVEDA is a natural person residing in Harris County, Texas.

51. Plaintiff TERRI SEPULVEDA is a natural person residing in Harris County, Texas.

52. Plaintiff CHRIS SANTIFF is a natural person residing in Harris County, Texas.

53. Plaintiff CATHERINE LAAKE is a natural person residing in Harris County, Texas.

54. Plaintiff SERGIO CRUZ is a natural person residing in Harris County, Texas.

55. Plaintiff ARNOLD BALLINGER is a natural person residing in Harris County, Texas.

56. Plaintiff LASHONDA M. HENDERSON is a natural person residing in Harris County, Texas.

57. Plaintiff JULISSA RUIZ is a natural person residing in Harris County, Texas.

58. Plaintiff BRIAN REGO is a natural person residing in Harris County, Texas.

59. Plaintiff VIET TRAN is a natural person residing in Harris County, Texas.

60. Defendant WATSON VALVE SERVICES, INC. (hereinafter “WATSON VALVE”) is a domestic corporation doing business in the State of Texas for the purposes of accumulating monetary profit. Defendant may be served with process through its registered agent, John M Watson, 4525 Gessner Road, Houston, Texas 77041.

61. Defendant WATSON GRINDING AND MANUFACTURING, CO. (hereinafter “WATSON”) is a domestic corporation doing business in the State of Texas for the purposes of accumulating monetary profit. Defendant may be served with process through its registered agent, John M Watson, 4525 Gessner Road, Houston, Texas 77041.

IV. **VENUE AND JURISDICTION**

62. Venue is proper in Harris County, Texas, pursuant to §15.002 of the Texas Civil Practice and Remedies Code as all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County, Texas.

63. Jurisdiction is proper because the amount in controversy exceeds the minimum jurisdictional limits of this Court. This Court has personal jurisdiction over all parties as set out in the below paragraph.

V. **FACTS**

64. In the early morning hours of January 24, 2020, a violent explosion occurred at Watson Grinding and Manufacturing located at 4525 Gessner Road in Houston, Texas. Plaintiffs’ homes were completely/partially destroyed by the explosion and many of their homes have been or will be condemned as unfit to live. At all times relevant to the incident, Defendants WATSON and/or WATSON VALVE controlled and continues to control the premises where the explosion originated. As a result of the explosion, Plaintiffs suffered significant damages to their personal

property and homes, in addition to bodily injuries.

VI.
NEGLIGENCE OF ALL DEFENDANTS

65. Defendants contemporaneous conduct constituted a breach of the duty of ordinary care owed by Defendant to Plaintiff. Defendants directly and personally participated in the conduct giving rise to Plaintiffs' negligence claims through their joint and several actions and omissions. Defendants, acting in the course and scope of their employment, owed an independent duty to Plaintiffs and were guilty of negligence in the following respects:

- a. Failing to furnish reasonably safe instrumentalities;
- b. Failing to provide and enforce safety regulations;
- c. Failing to properly inspect, maintain and store volatile gasses on the premises;
- d. Failing to properly inspect and maintain pressure regulators on the premises;
- e. Failing to properly inspect the premises for gas leaks;
- f. Failing to properly repair storage tanks, gas lines, and valves;
- g. Failing to timely repair tanks, gas lines, and valves;
- h. Failing to properly screen, hire, train, control, manage or supervise their agents and employees;
- i. Failing to cordon off the hazardous area from all traffic, tools, and equipment near the ignition source;
- j. Failing to institute precautionary measures to prevent volatile gasses from escaping high-pressure gas lines; and
- k. Failing to ensure a safe work area.

66. Each of the above referenced acts or omissions by Defendants led to the explosion.

VII.
GROSS NEGLIGENCE OF ALL DEFENDANTS

67. The occurrence made the basis of this suit and the resulting injuries and damages

to Plaintiffs was proximately caused by Defendants' wanton and reckless disregard for the safety of Plaintiffs, consisted of, but is not limited to, the following acts and/or omissions:

- a. Failing to furnish reasonably safe instrumentalities;
- b. Failing to provide and enforce safety regulations;
- c. Failing to properly inspect, maintain and store volatile gasses on the premises;
- d. Failing to properly inspect and maintain pressure regulators on the premises;
- e. Failing to properly inspect the premises for gas leaks;
- f. Failing to properly repair storage tanks, gas lines, and valves;
- g. Failing to timely repair tanks, gas lines, and valves;
- h. Failing to properly screen, hire, train, control, manage or supervise their agents and employees;
- i. Failing to cordon off the hazardous area from all traffic, tools, and equipment near the ignition source;
- j. Failing to institute precautionary measures to prevent volatile gasses from escaping high-pressure gas lines; and
- k. Failing to ensure a safe work area.

68. Each of these acts and/or omissions of Defendants constitutes a wanton and reckless disregard for the safety of Plaintiffs, and singularly or in concert, constitutes a proximate cause of the resulting injuries and damages to Plaintiffs as described below.

69. When viewed objectively from the standpoint of Defendants at the time of its occurrence, Defendants' conduct involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. In addition, each were actually, subjectively aware of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others; therefore, Plaintiffs sue for exemplary damages in an amount to be determined by the trier of the fact.

VIII.
DAMAGES OF PLAINTIFFS

70. As a direct and proximate result of the occurrence made the basis of this lawsuit,

Plaintiffs seek:

- a. Remedial costs for real property damage;
- b. Replacement costs for personal property damage;
- c. Costs of completion;
- d. Expenses of temporary/alternate housing;
- e. Mental anguish in the past and future;
- f. Physical pain and suffering in the past and future;
- g. Medical expenses in the past and future;
- h. Loss of earnings and earnings capacity in the past and future;
- i. Disfigurement in the past and future;
- j. Loss of earnings and earnings capacity in the past and future;
- k. Loss of household services in the past and future;
- l. Loss of use;
- m. Costs of suit;
- n. Prejudgment and post-judgment interest;
- o. Cost of replacement;
- p. Incidental and consequential damages;
- q. Business interruption damages; and
- r. All other relief to which Plaintiffs may be justly entitled.

IX.
RULE 194 REQUESTS FOR DISCLOSURE

71. Pursuant to Tex. R. Civ. Proc. 194, ALL DEFENDANTS are requested to disclose,

**PLAINTIFFS' ORIGINAL PETITION ALONG WITH
RULE 194 REQUESTS FOR DISCLOSURE TO ALL DEFENDANTS**

within fifty (50) days of service of this request, the information and material described in Rule 194.2(a)-(l).

X.
NOTICE OF DEMAND FOR PRESERVATION
OF ELECTRONICALLY STORED INFORMATION

72. Plaintiffs asks the Court to order Defendants WATSON VALVE SERVICES, INC. and/or WATSON GRINDING AND MANUFACTURING, CO. to preserve all documents, tangible things and electronically stored information potentially relevant to the issues in this cause, in accordance with specific notice provisions as if same was set forth herein for all purposes.

XI.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants WATSON VALVE SERVICES, INC. and/or WATSON GRINDING AND MANUFACTURING, CO., and for such other and further relief, both general and special, at equity and in law, to which Plaintiffs may show themselves justly entitled.

Plaintiffs further pray that Defendant WATSON VALVE SERVICES, INC., WATSON GRINDING AND MANUFACTURING, CO. be cited to appear and answer, and upon final hearing of this cause, Plaintiffs have judgment against Defendants for damages listed herein, for actual damages, exemplary damages, costs of suit, pre-judgment and post-judgment interest at the highest legal rate, and for such other and further relief, both general and special, at equity and in law, to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,

[Signature on next page]

KWOK DANIEL LTD., L.L.P.

/s/ Robert S. Kwok

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