

CAUSE NO. _____

Blanca Esther Parra
As common law spouse and as next
of friend To B.P. & I.P. (minors),

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IN THE DISTRICT COURT

&

Pablo Dominguez,
(On behalf of Parents father Pablo
Dominguez Dominguez / Mother
Guillermina Aguilar Acosta of the
Deceased)

Plaintiffs,

v.

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____ JUDICIAL DISTRICT

Quality Sausage Company, LLC.
Defendant,

OF DALLAS COUNTY, TEXAS

PLAINTIFF’S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Blanca Esther Parra, as spouse, and as next of friend to
B.P. and I.P., and Pablo Dominguez, (collectively “Plaintiffs”), who moves the
court on behalf of the father Pablo Dominguez Dominguez and Guillermina
Aguilar Acosta, the mother of HUGO DOMINGUEZ (“Decedent”). And
complains of Defendant Quality Sausage, Inc. and in support thereof would show
the Court as follows:

I. JURISDICTION

As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiff's counsel states that Plaintiff seeks monetary relief, the maximum of which is over \$1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiff also seeks prejudgment and post-judgment interest at the highest statutory rate allowed.

II. DISCOVERY LEVEL

Plaintiffs declares that discovery in this lawsuit is intended to be conducted under Level 2.

III. PARTIES

Plaintiffs are individuals all related to the Decedent, and all of the Plaintiffs reside in DALLAS County, Texas Defendant Quality Sausage Company, LLC is a foreign limited liability company which may be served with process by serving its registered agent for service of process CT Corporation, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

IV. VENUE

Venue is proper in DALLAS County pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 15.002 because the negligent actions of the Defendant, and the death of Mr. Hugo Dominguez cause by those actions which make the basis of this suit occurred in DALLAS County, Texas.

V. FACTS

HUGO DOMINGUEZ passed away on April 25, 2020 – he was a victim of a workplace which gave more importance to profits, than human life. Hugo was in the course and scope of his employment working for Defendant, when the COVID-19 virus started to spread in the country, the state, and Dallas County. This company which produces and packages meat products—refused to take the pandemic seriously, and kept its functions as normal, taking no precautions and implementing no protocols for the safety of its workers.

Around April 8, 2020 it had become very clear that people in the factory were sick, and that Covid-19 was among them – factor owners and managers played the fiddle. Hugo contracted the disease at work, was forced to separate from his partner and children, in order to protect them, and then – became part of the statistic of over 60,000 people who have died in the USA since the pandemic took hold.

During the course and scope of his work, Decedent was driving the fork lift, and as his symptoms became evident, he was told to report to work and to keep at it – otherwise he would have been laid off. A man with a strong work ethic and deep commitment to his children and family, he continued to work till the day he just couldn't go on, and a few days later he was gone; pronounced dead at Parkland, the same hospital where JFK, the modern symbol of the American dream had died. His death was followed by a death of another worker – and then finally the factory decided to shut down to “re-evaluate” its delayed response – a clear remedial measure, while Dallas County investigates it for various improprieties. Decedent was not provided with the appropriate safety equipment , PPE (protective gear), and training which Defendant owed its employees after Covid-19 outbreak became an established emergency and reality --- Decedent suffered serious illness as a result of the Company which was negligent in

taking any action to protect its employees -- Due to the illness contracted while in the scope of his employment, Decedent succumbed to his illness and ultimately lost his life. His death could have been prevented, had the Company spent a small segment of its \$100 million profits to protect its underpaid and overworked employees.

Defendants failed to provide Decedent the appropriate tools and safety measures in order to safely perform his regular duties in the Covid-19 environment. Defendants knew of the hazardous conditions in which Decedent was being exposed to and failed to take appropriate measures to resolve or address them. Defendants failed to provide a safe work environment to its employees and such failure led to Hugo's death.

Additionally, Defendants had direction and control over Plaintiff and the workplace location of Decedent.

VI. CAUSES OF ACTION AGAINST DEFENDANT

COUNT I

Proximate and Direct Negligence

Plaintiffs re-alleges and incorporate the preceding factual account as set forth in Section IV of this petition fully at length. At the time and on the occasion in question, Defendants owed duties to Decedent, including the duty to provide a safe work area and equipment for workers to operate. Defendant has the duty to use all necessary care to ensure safety for its employees. Defendant also owed the duty of reasonable care generally. Defendant breached these duties in ways including, but not limited to:

1. Failing to supervise the environment, placing protocols, providing and requiring masks, gloves, and enforcing six feet social distancing as per CDC and Dallas County Judge Clay Jenkin's orders. Had the Defendant

taken proper actions and kept the Plaintiff in a reasonably safe environment and not forced him to work even when he was sick -- as Company /person of ordinary prudence would have done under the same or similar circumstance;

2. Failing to provide safety tools and equipment that is the basis of this lawsuit;
3. Failing to ensure company premises were maintained in a way to prevent illness and injuries to its employees;
4. Failing to supervise the employee's activities as per CDC and Dallas County protocols;
5. Failing to warn its employees as to the hazards of their employment post Covid-19 pandemic;
6. Failing to install, adopt or employ adequate safety measures in its workplace to prevent incidents such as the one that injured Plaintiff and is the subject of this lawsuit.

Each of such acts and omissions, singularly or in combination with others constituted negligence, gross negligence, and negligence per se which proximately caused the incident, and which resulted in the death of Hugo Dominguez.

COUNT II WRONGFUL DEATH & SURVIVAL CLAIMS

Plaintiffs re-allege and incorporate the preceding factual account as set forth in Section IV of this petition fully at length. Defendants are liable for damages arising from the Decedent's illness/injuries that caused his death because Defendants' or their agents' or servants' engaged in: a wrongful act, neglect, carelessness, unskillfulness, or default. (See Tex. Civ. Prac. & Rem. Code Ann. §

71.002(b).) Additionally, Plaintiff seeks damages incurred by Decedent due to the illness /injuries he contracted and sustained whilst in the course and scope of his employment as a direct result of Defendants' negligence pursuant to Tex. Civ Prac. & Rem. Code 71.021. All conditions precedent to the filing of this lawsuit bringing said causes of action have been performed or have occurred.

VII. DAMAGES

This is a suit to recover monetary relief, the maximum of which is over \$1,000,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. These damages are sought from Defendants' negligence regarding an on the job injury which was ultimately fatal.

VIII. NOTICE OF INTENT TO USE DOCUMENTS PRODUCED AT ANY PRE-TRIAL PROCEEDING AND/OR AT TRIAL

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff gives notice to all parties in this matter that Plaintiff intends to use any and all documents produced by any and/or all parties in discovery, attached to depositions as exhibits, or produced for inspection at deposition in this case at any pre-trial proceeding and/or at trial.

IX. PRAYER

WHEREFORE, Plaintiff requests that Defendants be cited to appear and answer and that on final hearing or upon trial Plaintiffs have final judgment against Defendants for an amount within the jurisdictional limits of the Court, together with interest at the lawful rate from November 15, 2019, until judgment, and post-judgment interest at the lawful rate, costs of court and for such other and further relief, at law or in equity to which Plaintiff is justly entitled.

X. REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, please disclosure all information identified in Rule 194.2 (a) – (l).

Respectfully submitted,

Dated: May 1, 2020

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