

PETITION 1

CAUSE NO. 2020-04959

RIGOBERTO MIRANDA, JR.,
INGRID MIRANDA, DANIEL BRAVO
AND ERICA BRAVO

Plaintiffs,

VS.

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

Defendants.

§
§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

281st JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION ALONG
WITH RULE 194 REQUESTS FOR DISCLOSURES TO
ALL DEFENDANTS AND APPLICATION FOR TEMPORARY INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, RIGOBERTO MIRANDA, JR., INGRID MIRANDA, DANIEL BRAVO, and ERICA BRAVO Plaintiffs herein, and files this their Plaintiffs' Original Petition along with Rule 194 Requests for Disclosures to all Defendants and Application for Temporary Injunction against Defendants WATSON VALVE SERVICES, INC., WATSON GRINDING AND MANUFACTURING, CO.

Plaintiffs bring suit 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.

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 RIGOBERTO MIRANDA, JR. is a natural person residing in Harris County, Texas.

4. Plaintiff INGRID MIRANDA is a natural person residing in Harris County, Texas.

5. Plaintiff DANIEL BRAVO is a natural person residing in Harris County, Texas.

6. Plaintiff ERICA BRAVO is a natural person residing in Harris County, Texas.

7. 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 or wherever they may be found for service.

8. 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 or wherever they may be found for service.

IV.
VENUE AND JURISDICTION

9. 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.

10. 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

11. 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 destroyed by the explosion and their homes have been condemned by Harris County officials. 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

12. 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.
13. Each of the above referenced acts or omissions by Defendants led to the explosion.

VII.

GROSS NEGLIGENCE OF ALL DEFENDANTS

14. 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.

15. 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 explosion and resulting injuries and damages to Plaintiffs as described below.

16. 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**

17. 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. Physical impairment 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

18. Pursuant to Tex. R. Civ. Proc. 194, ALL DEFENDANTS are requested to disclose, within fifty (50) days of service of this request, the information and material described in Rule 194.2(a)-(l).

X.
INCORPORATION BY REFERENCE OF TEMPORARY RESTRAINING ORDER AND APPLICATION TO ENTER PREMISES TO INSPECT, FILM AND PHOTOGRAPH

19. Plaintiffs incorporate by reference the Temporary Restraining Order ("TRO") granted them on January 24, 2020 restraining Defendants WATSON VALVE SERVICES, INC.

and/or WATSON GRINDING AND MANUFACTURING, CO. from changing, altering or destroying any tangible evidence related to the subject incident, specifically including but not limited to the ignition source of the explosion.

20. Plaintiffs incorporate by reference the TRO granted them on January 24, 2020 restraining Defendants from altering, modifying, or destroying relevant evidence to the explosion by resuming services at the premises until such time Plaintiffs' counsel and experts are allowed to enter and inspect the premises and the requested evidence is produced and secured.

21. Plaintiffs incorporate by reference the TRO granted them on January 24, 2020 preserving the status quo by restraining Defendants from in any way changing, altering, destroying or modifying, the evidence related to the January 24, 2020, explosion at 4525 Gessner Road in Houston, Texas, as well as moving, removing, or altering any and all tangible evidence within the plant in question. Plaintiffs incorporate by reference the TRO preserving:

- 1) Any and all photographs and videotapes of the scene of the incident, parties or equipment involved in the incident;
- 2) Any and all stickers, safety slogans, warnings, etc. attached to or placed on any equipment involved in the incident;
- 3) Any and all documents/communications regarding the scene of the incident, parties or equipment involved in the incident;
- 4) Any and all documents/records relating to the incident, including but not limited to OSHA records;
- 5) Any and all e-mails, electronic data, documents, statements, diaries, calendar entries, memos, incident reports, call slips or telephone messages, text messages, facsimiles, voicemail messages, and correspondence related to the incident; and
- 6) Any and all maintenance logs, maintenance and repair records, inspection reports, annual inspection reports, operating manuals, actual audiotape recording or any transcript of any recorded statements, mobile radio and dispatch records pertaining to the incident.

22. The foregoing tangible and physical evidence is relevant and reasonably necessary to determine the cause of the incident made the basis of this action, the loss of which would irreparably harm Plaintiffs.

23. Plaintiffs incorporate by reference the TRO granted them on January 24, 2020 restraining Defendants WATSON VALVE SERVICES, INC. and/or WATSON GRINDING AND MANUFACTURING, CO. their agents, corporate parents, servants, employees, contractors, independent contractors, and the like including those acting in concert with the foregoing Defendants WATSON VALVE SERVICES, INC. and/or WATSON GRINDING AND MANUFACTURING, CO. from changing, altering, destroying and/or moving evidence of any kind.

24. Plaintiffs incorporate by reference the TRO granted them on January 24, 2020 permitting Plaintiffs' attorneys and investigative staff, including but not limited to, consulting experts, to have access to the incident scene where the explosion occurred to inspect, photograph, and film the scene. Such access for the purpose of inspection, photographing and filming is essential in order for the Plaintiffs to prepare their case and to see that justice is done.

XI.

REQUEST FOR TEMPORARY INJUNCTION

25. Plaintiffs asks the Court to set their application for temporary injunction for a hearing and, after the hearing, issue a temporary injunction against Defendants WATSON VALVE SERVICES, INC. and/or WATSON GRINDING AND MANUFACTURING, CO. Plaintiffs have a valid cause of action for negligence and would suffer irreparable harm by the failure to preserve the premises in its current condition, evidence, and their contents due to the nature of occurrence that led to the explosion on January 24, 2020. Specifically, the site of the explosion contains evidence necessary to be preserved, specifically the ignition source of the explosion, for Plaintiffs to investigate their potential claims. Plaintiffs will be irreparably injured if the evidence currently at the premises after the explosion is destroyed or modified. Due to the immediate timing and

necessity of preserving the evidence from being destroyed or altered if the premises were to be returned to regular business use, this temporary restraining order should be granted without notice or delay.

XII.
NOTICE OF DEMAND FOR PRESERVATION
OF ELECTRONICALLY STORED INFORMATION

26. 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 for the herein for all purposes.

XIII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Honorable Court enter an order granting Plaintiffs' Temporary Injunction against 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,

KWOK DANIEL LTD., L.L.P.

/s/ Robert S. Kwok

Robert S. Kwok

SBN: 00789430

J. Ryan Loya

SBN: 24086531

Joshua R. Leal

SBN: 24048609

Alex P. Boylhart

SBN: 24087198

William W. Hoke*

SBN: 24046086

9805 Katy Freeway, Suite 850

Houston, Texas 77024

Telephone: (713) 773-3380

Facsimile: (713) 773-3960

Email: rkwok@kwoklaw.com

Email: rloya@kwoklaw.com

Email: jleal@kwoklaw.com

Email: aboylhart@kwoklaw.com

Email: whoke@whokelaw.com

*Of Counsel

ATTORNEYS FOR PLAINTIFFS