

CAUSE NO. _____

JULIA SOLIZ,	§	IN THE DISTRICT COURT
INDIVIDUALLY AND AS	§	
ADMINISTRATOR AND	§	
PERSONAL REPRESENTATIVE OF	§	
AND ON BEHALF OF THE ESTATE OF	§	
RAUL SOLIZ, DECEASED, ET. AL	§	
PLAINTIFFS	§	_____ JUDICIAL DISTRICT
	§	
VS.	§	
	§	
MCALLEN VALLEY ROOFING CO.,	§	
PEOPLEREADY, INC., AND	§	
SIMYASHAL LTD PARTNERSHIP,	§	
DEFENDANTS	§	WEBB COUNTY, TEXAS

**PLAINTIFFS' ORIGINAL PETITION
AND APPLICATION FOR INJUNCTIVE RELIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Julia Soliz, Individually and as Administrator and Personal Representative of and on Behalf of the Estate of Raul Soliz, Deceased, and as next friend of PDS, a minor, Marcos Raul Soliz, Erika Soliz, and Albert Numa Soliz hereinafter called Plaintiffs, complaining of and about McAllen Valley Roofing Co., LLC, PeopleReady, Inc. and Simyashal Ltd. Partnership, hereinafter called Defendants, and for causes of action would show unto the Court the following:

I.

DISCOVERY CONTROL PLAN LEVEL

Plaintiffs submit this case for discovery under a tailored Discovery Control Plan under Level III.

II.

CLAIM FOR RELIEF

Plaintiffs seek monetary relief in an amount to be determined by the jury, and request judgment for all other relief to which Plaintiffs are entitled. Only claims under the laws of the State of Texas are alleged herein and there are no federal causes of action alleged in this lawsuit.

III.

PARTIES AND SERVICE

1. Plaintiffs, Julia Soliz, Individually and as Administrator and Personal Representative of and on Behalf of the Estate of Raul Soliz, Deceased, and as next friend of PDS, a minor, are individual citizens and residents of Webb County, Texas. Plaintiffs Marcos Raul Soliz, Erika Soliz, and Albert Numa Soliz are individual citizens and residents of Texas.

2. Defendant, McAllen Valley Roofing Co., LLC is an entity formed under the laws of the State of Texas and can be served with process by serving its registered agent for service Jose Villalobos at 813 N. Main St., Suite #614, McAllen, TX 78501 USA.

3. Defendant, PeopleReady, Inc. can be served with process by serving its registered agent for service Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3136 USA.

4. Simyashal Ltd. Partnership can be served by serving its registered agent for service, David J. Taney, 6100 Hollywood Boulevard, 7th Floor, Hollywood, FL 33024.

IV.

JURISDICTION AND VENUE

Venue is proper in Webb County, Texas because all or a substantial part of Plaintiffs' cause of action arose in Webb County, Texas. *Tex. Civ. Prac. & Rem. Code* § 15.016.

V.

FACTS

This is a wrongful death and survival suit filed by the wife of Raul Soliz and his children. On or about August 20, 2019, Raul Soliz was instructed by PeopleReady, Inc. to go to the UETA Distribution Center located at 110 International Blvd., Laredo, Webb County, Texas to work on a roofing project. The UETA Distribution Center is owned by Simyashal Ltd. Partnership and the roofing project was under the control of McAllen Valley Roofing Co. Raul Soliz fell through the roof to his death, leaving his wife without a husband and his children

without a father.

VI.

GROSS NEGLIGENCE AND NEGLIGENCE

Raul Soliz' death and all of the Plaintiffs' injuries were proximately caused by Defendants McAllen Valley Roofing Co., LLC, PeopleReady, Inc. and Simyashal Ltd. Partnership's grossly negligent, negligent, careless and reckless disregard of duty which consisted of, but is not limited to, providing a dangerous and unsafe work environment for Raul Soliz.

Defendants' failure to meet the above-referenced duties of care proximately caused Raul Soliz' death and all injuries and damages for which recovery is sought in this case.

Each of the aforementioned grossly negligent and negligent acts or omissions of Defendants constituted a proximate cause of the collision and the resulting injuries and death of Raul Soliz.

Defendants knew that providing a dangerous work environment presents an extreme degree of risk to individuals such as Raul Soliz which resulted in his death. Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Raul Soliz.

VII.

WRONGFUL DEATH AND SURVIVAL CLAIMS

Plaintiffs and surviving heirs at law are as follows: Julia Soliz the wife of Raul Soliz, and Marcos Raul Soliz, Erika Soliz, Albert Numa Soliz and PDS, a minor, children of Raul Soliz, hereinafter called "the decedent." Plaintiffs bring this wrongful death and survival action pursuant to TEX.CIV. PRAC. & REM. CODE, 71.001 et. seq. and 71.021, respectively, because of injuries suffered by the decedent resulting in decedent's wrongful death based upon the facts and legal theories more fully set out above. Plaintiffs sue in all capacities in which they are entitled to recover.

Decedent was injured and killed as a result of Defendants' negligence described more fully above. At the time of the decedent's wrongful death, the decedent was survived by his wife and children referenced above.

Julia Soliz is decedent's wife and the personal representative of decedent's estate. Plaintiffs seek damages for the conscious pain and suffering and mental anguish that the decedent suffered prior to death and for the reasonable and necessary medical expenses, past and future pecuniary damages, and funeral and burial expenses which were reasonably incurred because of such wrongful death. Plaintiffs seek damages far in excess of the minimum jurisdictional limit of the court.

VIII.

DAMAGES FOR PLAINTIFF, THE ESTATE OF RAUL SOLIZ

During his lifetime, Raul Soliz performed numerous tasks in and about the family residence, and gave advice, counsel, comfort, care and protection to his family. In all reasonable probability, he would have continued to provide this comfort and support for his family for the remainder of his life. As a direct and proximate result of the occurrence made the basis of this lawsuit, Raul Soliz was caused to suffer great physical and emotional injury, and death.

As a direct and proximate result of the occurrence made the basis of this lawsuit, Raul Soliz incurred the following damages:

1. Physical pain and suffering;
2. Mental anguish;
3. Reasonable medical expenses;
4. Physical impairment;
5. Disfigurement;
6. Death;
7. Burial and funeral expenses;
8. Past and future pecuniary damages;
9. Past and future loss of earning capacity and lost earnings.
10. Pecuniary damages.

IX.

DAMAGES FOR WIFE OF RAUL SOLIZ

As a direct and proximate result of the occurrence made the basis of this lawsuit, and as a result of the untimely death of decedent, Plaintiff Julia Soliz has suffered past and future pecuniary loss from the death of her husband, Raul Soliz, including losses of care, maintenance, support, services, advice, counsel, and contributions of a pecuniary value that she would, in reasonable probability, have received from her husband during his lifetime had he lived. In addition, she has suffered loss of consortium in the past and future and damage to the husband-wife relationship, including loss of affection, solace, comfort, companionship, society, assistance, emotional support, and love necessary to a successful marriage. She has suffered mental anguish, grief, and sorrow in the past as a result of the death of her husband, and will continue to suffer severe mental depression and anguish, grief, and sorrow in the future.

X.

DAMAGES FOR CHILDREN OF RAUL SOLIZ

As a direct and proximate result of the occurrence made the basis of this lawsuit, the children of Raul Soliz, Marcos Raul Soliz, Erika Soliz, Albert Numa Soliz and PDS, a minor, are entitled to recover under Tex. Civ. Prac. & Rem. Code § 71.004 the following damages:

1. Mental anguish, grief and sorrow in the past;
2. Mental anguish, grief and sorrow in the future;
3. Loss of Consortium in the past, including damages to the parent-child relationship, including loss of affection, assistance, emotional support, comfort, solace, companionship, protection, services, and love.
4. Loss of Consortium in the future, including damages to the parent-child relationship, including loss of affection, assistance, emotional support, comfort, solace, companionship, protection, services, and love.

XI.

CONDITIONS PRECEDENT

All conditions precedent have occurred or have been performed.

XII.

APPLICATION FOR INJUNCTIVE RELIEF

Plaintiffs request that injunctive relief be ordered by this court to preserve the evidence in this case, evidence which is under the possession, custody or control of Defendants, the Laredo Police Department, OSHA and others and that the court order that this evidence be preserved and sequestered immediately until after the conclusion of trial.

Plaintiffs will suffer irreparable harm unless the request for injunctive relief is granted.

Plaintiffs request that injunctive relief be issued ex-parte as there is no time to provide notice to the parties. Plaintiffs request that a temporary injunction be

issued thereafter and that such temporary injunction be made permanent until completion of this suit.

Plaintiffs will show that they are likely to succeed on the merits, and that there is no remedy at law that is clear and adequate to protect and preserve the evidence and protect plaintiff's interests and rights in this matter. This request for injunctive relief is so that justice may be done, not for delay.

Plaintiffs request the court enter a Temporary Restraining Order, Temporary and Permanent Injunction barring, restraining, enjoining and prohibiting Defendants and their officers, agents, servants, attorneys, employees, representatives and all persons in active concert or participation with them or anyone else without Plaintiffs' counsel's authority, from intentionally, knowingly or recklessly disposing of transferring, encumbering, pledging, selling, entering, trespassing, alienating, or otherwise moving the evidence involved in the death of Raul Soliz until the time of trial, or allowing others to do so.

XIII.

JURY DEMAND

Plaintiffs demand a trial by jury.

XIV.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Julia Soliz, Individually and as Administrator and Personal Representative of and on Behalf of the Estate of Raul Soliz, Deceased, and as next friend of PDS, a minor, Marcos Raul Soliz, Erika Soliz, and Albert Numa Soliz, respectfully pray that Defendants be cited to appear and answer herein, that the injunctive relief requested herein be granted, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants, jointly and severally, for compensatory and exemplary damages, 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 Plaintiffs may be entitled at law or in equity.

XV.

REQUESTS FOR DISCLOSURE

Under Texas Rule of Civil Procedure 194, Defendants McAllen Valley Roofing Co., LLC, PeopleReady, Inc. and Simyashal Ltd. Partnership are requested to disclose, within 50 days of service of this request, the information or material described in Tex. R. Civ. P. 194.2 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l).

Respectfully submitted,

BY: /s/ Ronald Rodriguez

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