

NO. CC-18-05668-E

ISABEL ARANZAMENDI,
INDIVIDUALLY AS THE SOLE
WRONGFUL DEATH BENEFICIARY
OF WILBER DIMAS, DECEASED,

vs.

ATMOS ENERGY CORPORATION,
LOCHRIDGE-PRIEST, INC., and
JOHNSON CONTROLS, INC.

§ IN THE COUNTY COURT AT LAW

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§ NO. _____

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§ DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND
RULE 194 REQUESTS FOR DISCLOSURE

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW, Plaintiff, Isabel Aranzamendi, Individually as the Sole Wrongful Death Beneficiary of Wilber Dimas, Deceased, by and through her undersigned counsel, complaining of Atmos Energy Corporation, Lochridge-Priest, Inc., and Johnson Controls, Inc., (collectively "Defendants"), and for cause of action would respectfully show the following:

I. Discovery Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of TEX. R. CIV. P. 190.

II. Parties

2. Plaintiff Isabel Aranzamendi is a resident of the State of Texas. She is the mother and sole wrongful death beneficiary of Wilber Dimas, deceased (hereinafter referred to as "Mr. Dimas" or "Wilber Dimas").
3. Defendant Atmos Energy Corporation is a Texas corporation that does business in this state and can be served with citation through its registered agent, Corporation Service Company, d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

4. Defendant Lochridge-Priest, Inc., is a Texas corporation that does business in this state, has its headquarters in Waco, Texas, and can be served with citation through its registered agent, Billy J. Akins, 2901 E. Industrial Blvd., Waco, Texas 76705.
5. Defendant Johnson Controls, Inc., is a Wisconsin corporation that is registered to do business in Texas, and can be served with citation through its registered agent, CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136.

III. Venue and Jurisdiction

6. Venue is proper and maintainable in Dallas County, Texas under Section 15.002(3) of the TEXAS CIVIL PRACTICE & REMEDIES CODE since Defendant Atmos Energy Corporation has its principal office in said county.
7. Moreover, because venue is proper in Dallas County, Texas as to Defendant Atmos Energy Corporation, venue is also proper as to Defendants Lochridge-Priest, Inc. and Johnson Controls, Inc., pursuant to Section 15.005 of the TEXAS CIVIL PRACTICE & REMEDIES CODE which provides that when venue is proper as to one defendant it is proper as to all defendants and all claims.
8. Jurisdiction is proper in this Court since Plaintiff's damages are within its jurisdictional limits, pursuant to Section 25.0592(a) of the TEXAS GOVERNMENT CODE.

IV. Nature and Background of Case

9. Plaintiff seeks monetary relief over \$1,000,000.00 and a demand for judgment for all the other relief to which Plaintiff deems herself entitled.
10. It has become necessary to bring this petition to collect a legal debt and damages due and owing Plaintiff as a result of an explosion that occurred on June 26, 2018 at the site of

Coryell Memorial Hospital in Gatesville, Texas.

11. Plaintiff's son, Wilber Dimas, was an employee working at the Coryell Memorial Hospital site as an employee of a subcontractor to Defendant Johnson Controls, Inc. As a result of work undertaken by Defendant Johnson Controls, Inc. pursuant to its Subcontract Agreement No. HC16-640, Wilber Dimas was present at the site where he sustained fatal injuries. All damages to Plaintiff arise out of work undertaken pursuant to Defendant Johnson Controls, Inc. Subcontract Agreement No. HC16-640.
12. On said date at approximately 2:30 p.m., as that hospital's campus was undergoing renovations as part of an expansion project, a massive and tragic natural gas explosion occurred within the Central Utility Plant ("CUP") building at the rear of the hospital campus.
13. Atmos Energy Corporation provided the natural gas and/or had control over the lines through which natural gas was supplied to the hospital campus.
14. The blast, which occurred in the CUP building of the campus designed to house boilers and chillers for the hospital facility, resulted in injuries to more than a dozen workers at the site, including the wrongful death of Wilber Dimas.
15. Plaintiff's injuries and damages were proximately caused by the negligent acts, both of commission and omission, of the Defendants.
16. Nothing Wilber Dimas did or failed to do caused or in any way contributed to cause the explosion incident or his death.
17. Plaintiff seeks all elements of actual damages recoverable by law.

CAUSES OF ACTION

V. Negligence of Atmos Energy Corporation

18. Defendant Atmos Energy Corporation was negligent. The negligence of Defendant was a proximate cause of the explosion and Plaintiff's injuries and damages.

VI. Negligence of Lochridge-Priest, Inc.

19. Lochridge-Priest, Inc. was negligent. The negligence of Defendant was a proximate cause of the explosion and Plaintiff's injuries and damages.

VII. Negligence of Johnson Controls, Inc.

20. Johnson Controls, Inc. was negligent. The negligence of Defendant was a proximate cause of the explosion and Plaintiff's injuries and damages.

VIII. *Res Ipsa Loquitur*

21. Plaintiff invokes the doctrine of *Res Ipsa Loquitur*. Plaintiff would show that the character of the event made the basis of this lawsuit is such that it would not ordinarily occur in the absence of negligence of Defendants.

DAMAGES FOR WRONGFUL DEATH

X.

22. Pursuant to §71.001, *et. seq.*, of the TEXAS CIVIL PRACTICE & REMEDIES CODE, commonly referred to as the "Wrongful Death Act", Plaintiff, as the wrongful death beneficiary of Wilber Dimas, brings this action to recover just compensation for the damages she has suffered as a result of the death of her son.
23. As a proximate result of the above acts and/or omissions on the part of Defendants, Plaintiff has suffered loss by virtue of the economic and non-economic damages associated with the

death of Wilber Dimas, as well as the destruction of the parent-child relationship.

24. As a direct, proximate, and producing result of the conduct of Defendants, Plaintiff has suffered pecuniary loss due to the death of Wilber Dimas, including loss of care, maintenance, support, services, advice, counsel, and contributions of a pecuniary value that Plaintiff would, in reasonable probability, have received from Wilber Dimas, during his life, had he lived.
25. Plaintiff has suffered additional losses by virtue of the destruction of the parent/child relationship including the right to positive benefits flowing from the love, comfort, companionship, and society that Plaintiff would, in all reasonable probability, have received from Wilber Dimas during his life, had he lived.
26. Plaintiff has suffered severe mental depression and anguish, including emotional pain, torment, and grief, as a result of the wrongful death of Wilber Dimas and Plaintiff will, in all reasonable probability, continue to suffer these damages for a long time in the future.
27. For these losses, Plaintiff, as the sole wrongful death beneficiary of Wilber Dimas, seeks damages in excess of the minimal jurisdictional limits of the Court.

XI. Reservation of Rights

28. These allegations against Defendants Atmos Energy Corporation, Lochridge-Priest, Inc., and Johnson Controls, Inc. are made acknowledging that investigation and discovery, although undertaken, are continuing in this matter. As further investigation and discovery are conducted, additional facts will surely be uncovered that may and probably will necessitate further, additional, and/or different allegations, including the potential of adding additional parties to the case or dismissing parties from the case. The right to do so is, under Texas law,

expressly reserved.

XII. Pre-Judgment Interest

29. Plaintiff would additionally say and show that she is entitled to recovery of pre-judgment interest in accordance with law and equity as part of her damages herein, and Plaintiff here and now sues for recovery of pre-judgment interest as provided by law and equity, under the applicable provisions of the laws of the State of Texas.

XIII. Requests for Disclosure

30. Pursuant to Texas Rule of Civil Procedure 194, Defendants are each requested to disclose within the time period set forth in Rule 194.3 the information or material described in Rule 194.2(a) - 194.2(l).

XIV. Jury Demand

31. Plaintiff demands a jury trial.

PRAYER

WHEREFORE, Plaintiff prays that upon final trial Plaintiff recover damages as specified above from the Defendants, both jointly and severally, plus costs of court, pre-judgment and post-judgment interest at the legal rate, attorneys' fees and expenses, and have such other and further relief, general and special, at law and in equity, to which Plaintiff may show herself justly entitled.

Respectfully submitted,

THE AMMONS LAW FIRM, L.L.P.



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