CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| «PlaintiffName» Plaintiff, | § | IN THE DISTRICT COURT | |
|  | § |  | |
| V. | § |  | |
|  | § | JUDICIAL DISTRICT | |
| «DefendantName» Defendant. | § |  | |
|  | § |  | |
|  | § | OF «County» COUNTY, TEXAS | |
|  |  |  |

**PLAINTIFF'S ORIGINAL PETITION:**

NOW COMES Plaintiff, «PlaintiffName» (hereinafter “Plaintiff” or “«PlaintiffLastName»”), complaining of and about Defendant, «DefendantName» (hereinafter “Defendant” or “«DefendantLastName»”), and for cause of action respectfully shows unto the Court the following:

1. **DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 3 Discovery Control Plan to be agreed upon by the parties.

1. **PARTIES**

Plaintiff, «PlaintiffName», is an individual residing at «PlaintiffAddress», in «PlaintiffCounty» County, Texas.

Defendant, «DefendantName», may be served at «DefendantAddress», or wherever they may be found. Citation is requested at this time.

1. **JURISDICTION AND VENUE**

«VenueParagraph»

1. **FACTUAL BACKGROUND**

«FactualBackground»

1. **CAUSES OF ACTION**

**5.1 Plaintiff’s Claim of Negligence Against Defendant**

1. Plaintiff incorporates the allegations set forth in paragraphs 1 through 11 as if fully set forth herein.

2. Defendant had a duty to exercise the degree of care that a person of ordinary prudence would use to avoid harm to others under circumstances like those described herein.

3. Plaintiff’s injuries were proximately caused by Defendant’s negligent, careless, and reckless disregard of that duty.

4. The negligent, careless, and reckless disregard of duty by Defendant consisted of, but is not limited to, the following acts and omissions:

a. Failing to properly operate a motor vehicle and adhere to traffic safety laws so as to avoid colliding with Plaintiff’s lawfully operated vehicle;

b. Failing to control the speed of the vehicle as necessary to avoid colliding with Plaintiff’s vehicle; and

c. Failing to timely and prudently apply brakes, and/or wholly failing to apply them as necessary to avoid the collision with Plaintiff.

**5.2 Plaintiff’s Claim of Negligence Per Se Against Defendant**

5. Plaintiff incorporates the allegations set forth in paragraphs 1 through 11 as if fully set forth herein.

6. Defendant’s conduct described herein constitutes an unexcused breach of duty imposed by Texas Transportation Code § 545.401(a).

7. Plaintiff is a member of the class that Texas Transportation Code § 545.401(a) is designed to protect.

8. Defendant’s unexcused violation of the duties imposed by Texas Transportation Code § 545.401(a) proximately caused Plaintiff’s injuries described herein.

**6. DAMAGES**

As a direct and proximate result of the occurrence, Plaintiff was caused to suffer damages and seeks monetary relief over $250,000 but not more than $1,000,000. Plaintiff seeks recovery for the following:

A. Reasonable and necessary medical care and expenses incurred in the past. These expenses were incurred for the necessary care and treatment of injuries resulting from the incident described herein. Such charges were reasonable and customary for similar services in the locality;

B. Reasonable and necessary medical care and expenses which will, in all reasonable probability, be incurred in the future;

C. Physical pain and suffering sustained in the past and likely to be sustained in the future;

D. Physical disfigurement sustained in the past and likely to be sustained in the future;

E. Physical impairment sustained in the past and likely to be sustained in the future;

F. Mental anguish suffered in the past and likely to be suffered in the future;

G. Loss of enjoyment of life in the past and future;

H. Loss of earning capacity;

I. Loss of household services in the past and future; and

J. Damage to personal property.

**7. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer herein, and that upon final hearing of this cause, judgment be entered in favor of Plaintiff and against Defendant for damages in an amount within the jurisdictional limits of the Court; 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 Plaintiff may be justly entitled, at law or in equity.

Respectfully submitted,

**W.G. Crayton & Associates, PLLC**

**By: /s/ William G. Crayton**

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