

CAUSE NO. C-7355-14-J

**DIANA LOMAS GONZALEZ,
INDIVIDUALLY AND AS
PERSONAL REPRESENTATIVE
OF THE ESTATE OF BALDE
SOLIS GONZALEZ, DECEASED,
AND AS THE SURVIVING
SPOUSE AND AS HEIR OF THE
ESTATE OF BALDE SOLIS
GONZALEZ, DECEASED, BRIANA
LIZETTE GONZALEZ,
INDIVIDUALLY AND AS
SURVIVING ADULT CHILD AND
AS HEIR OF BALDE GONZALEZ
DECEASED, SARA SOLIS
VALDEZ, INDIVIDUALLY AND
BALDAMAR GONZALEZ, SR.,
INDIVIDUALLY AND AS
SURVIVING PARENTS OF BALDE
SOLIS GONZALEZ, DECEASED**

PLAINTIFFS

V.

**CHRYSLER GROUP, LLC,
LOWER RIO GRANDE VALLEY
DEVELOPMENT COUNCIL
CORPORATION, INC., VALLEY
METRO D/B/A MID-VALLEY
JAGEXPRESS, AND MARIA
ANTONIA ALANIS**

DEFENDANTS.

IN THE DISTRICT COURT

430th JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

PLAINTIFFS' SECOND AMENDED ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, PLAINTIFFS, DIANA LOMAS GONZALEZ, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BALDE SOLIS

GONZALEZ, DECEASED, AND AS THE SURVIVING SPOUSE AND AS HEIR OF BALDE SOLIS GONZALEZ, DECEASED, BRIANA LIZETTE GONZALEZ, INDIVIDUALLY AND AS SURVIVING ADULT CHILD AND AS HEIR OF BALDE GONZALEZ, DECEASED, AND SARA SOLIS VALDEZ, INDIVIDUALLY AND BALDAMAR GONZALEZ, SR., INDIVIDUALLY AND AS SURVIVING PARENTS OF BALDE SOLIS GONZALEZ, DECEASED, (hereinafter sometimes collectively referred to as “Plaintiffs”) complaining of and seeking to recover actual damages under Texas law from Defendants, CHRYSLER GROUP, LLC (sometimes referred to as “Defendant CHRYSLER”), LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL CORPORATION, INC. (sometimes referred to as “Defendant LRGVDC”), VALLEY METRO D/B/A MID-VALLEY JAGEXPRESS (sometimes referred to as “Defendant VALLEY METRO”), MARIA ANTONIA ALANIS (sometimes referred to as “Defendant ALANIS”), ARTEMIO SERNA (sometimes referred to as “Defendant SERNA”), and ALEJANDRO GUADALUPE ZAMORA (sometimes referred to as “Defendant ZAMORA”) for cause of action would respectfully show the Court as follows:

I. DISCOVERY CONTROL PLAN

1. Discovery in this case is intended to be conducted under Discovery Control Plan Level 3 in accordance with Rule 190.4. The Court has entered a scheduling order for this case.

II. PARTIES

2.1 Plaintiff DIANA LOMAS GONZALEZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BALDE SOLIS GONZALEZ, AND AS THE SURVIVING SPOUSE, AND AS HEIR OF THE ESTATE OF BALDE SOLIS GONZALEZ, whose death is the subject of this wrongful death case, is an individual who is a resident of Hidalgo County, Texas.

2.2 Plaintiff BRIANA LIZETTE GONZALEZ, INDIVIDUALLY AND AS SURVIVING ADULT CHILD, AND AS HEIR OF BALDE GONZALEZ, DECEASED, is a surviving adult child of BALDE GONZALEZ, DECEASED, whose death is the subject of this wrongful death case, is an individual who is a resident of Hidalgo County, Texas.

2.3 Plaintiff SARA SOLIS VALDEZ is the surviving mother of BALDE GONZALEZ, DECEASED, whose death is the subject of this wrongful death case, is an individual who is a resident of Hidalgo County, Texas.

2.4 Plaintiff BALDAMAR GONZALEZ, SR. is the surviving father of BALDE GONZALEZ, DECEASED, whose death is the subject of this wrongful death case, is an individual who is a resident of Hidalgo County, Texas.

2.5 Defendant CHRYSLER GROUP, LLC (sometimes referred to as "Defendant CHRYSLER") is a Delaware corporation. Defendant has made a general appearance in this cause for all purposes.

2.6 Defendant LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL CORPORATION, INC., sometimes referred to as “Defendant LRGVDC,” is a Texas corporation with its principal place of business in Hidalgo County, Texas. “Defendant LRGVDC” was served with process by serving the citation to its registered agent, Kenneth N. Jones, Jr. Pursuant to requirements of notice under the Texas Torts Claims Act, this entity was further served herein through the Secretary of State, Nandita Berry, P.O. Box 12079, Austin, Texas 78711-2079 via certified mail. Defendant has made a general appearance in this cause for all purposes.

2.7 Defendant VALLEY METRO D/B/A MID-VALLEY JAGEXPRESS, sometimes referred to as “Defendant VALLEY METRO,” is a Texas corporation with its principal place of business at 510 S. Pleasantview Drive, Weslaco, Hidalgo County, Texas. “Defendant VALLEY METRO” was served with process by serving the citation to its registered agent: Mr. Tom Logan. Pursuant to requirements of notice under the Texas Torts Claims Act, this entity was further served through the Secretary of State, Nandita Berry, P.O. Box 12079, Austin, Texas 78711-2079 via certified mail. Defendant has made a general appearance in this cause for all purposes.

2.8 Defendant MARIA ANTONIA ALANIS (sometimes referred to as “Defendant ALANIS”) is an individual resident of Hidalgo County, Texas and was served with process at: 1497 S. 11th Lot 2, Donna, Hidalgo County, Texas 78537. Defendant has made a general appearance in this cause for all

purposes.

2.9 Defendant ARTEMIO SERNA (sometimes referred to as “Defendant SERNA”) resides at 413 N. Mike Chapa Dr., La Villa, Hidalgo County, Texas. He may be served through his attorney of record, Javier Gutierrez, 700 East Third Street, Alice, Texas 78332.

2.10 Defendant ALEJANDRO GUADALUPE ZAMORA (sometimes referred to as “Defendant ZAMORA”) resides at 450 King James Dr., Alamo, Hidalgo County, Texas 78516, where service may be had upon him.

III. JURISDICTION

3.1 This is a claim brought under the Texas Tort Claims Act (TTCA), Texas Civil Practice and Remedies Code Chapter 101. The Court has jurisdiction over this claim because the TTCA waives a defendant’s governmental immunity for claims involving personal injury, death, or property damage caused by the negligent operation or use of a motor-driven vehicle or motor-driven equipment by the defendant’s employee, if that employee would be personally liable to the plaintiff under Texas law. Tex.Civ.Prac.&Rem. Code §101.021(l). This claim involves death caused by the negligent operation or use of a motor-driven vehicle by the employee of Defendants LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL CORPORATION, INC., and VALLEY METRO D/B/A MID-VALLEY JAGEXPRESS, and the employee of these Defendants would be liable to Plaintiffs under Texas law.

3.2 No exception to the waiver of immunity applies to reinstate defendants' governmental immunity for this claim.

3.3 Plaintiffs sent Defendant LRGVDC a notice letter as required by the Texas Tort Claims Act, Texas Civil Practices & Remedies Code §101.101(a). Notice was sent to Defendant LRGVDC and the Secretary of State on October 23, 2014. Service of the notice letter was completed by October 27, 2014 on Kenneth N. Jones, Executive Director and Registered Agent of LRGVDC; and Nandita Berry, Secretary of the State of Texas.

Plaintiffs sent Tom Logan, Registered Agent for Valley Metro, a notice letter as required by the Texas Tort Claims Act, Texas Civil Practices & Remedies Code §101.101(a). Notice was sent to Tom Logan and the Secretary of State on October 23, 2014. Service of the notice letter was completed by October 27, 2014, on Tom Logan, Registered Agent for Valley Metro; and Nandita Berry, Secretary of the State of Texas.

IV. VENUE

4.1 Venue is proper in Hidalgo County, Texas because Defendants LRGVDC and VALLEY METRO both maintain their principal office in Hidalgo County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code § 15.002(3). Venue is also proper in Hidalgo County, Texas because Defendants ALANIS, SERNA and ZAMORA reside in Hidalgo County, Texas pursuant to Tex. Civ. Prac. & Rem. Code § 15.002(2). Moreover, all of the events or omissions giving rise to the claim which is the basis for this suit occurred in Hidalgo County, Texas, so

venue properly lays in Hidalgo County, Texas pursuant to Tex. Civ. Prac. & Rem. Code § 15.002(1). Furthermore, the damages which Plaintiffs seek to recover in the instant case are within the jurisdictional limits of this court.

V. STATEMENT OF FACTS

5.1 On or about July 30, 2014, Defendant MARIA ANTONIA ALANIS and Defendant ZAMORA were involved in a motor vehicle collision on East Expressway 83 in Donna, Hidalgo County, Texas. After the accident between these vehicles, Defendant ALANIS then began to pull her vehicle over. Shortly thereafter, Ernesto Trejo, while driving a 2009 Freightliner bus, owned by Defendant LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL CORPORATION, INC., operated by Defendant VALLEY METRO D/B/A MID-VALLEY JAGEXPRESS, while traveling eastbound at or about the 900 Block of East Expressway 83 in Donna, Hidalgo County, Texas, suddenly and without warning, crashed into the rear-end of the 2014 Dodge Ram pickup truck (sometimes referred to as “subject vehicle”) driven by Artemio Serna, in which BALDE SOLIS GONZALEZ was a properly seated and seat belted passenger. The subject vehicle was then pushed into Defendant ALANIS’ vehicle.

5.2 After the collision, the subject vehicle caught on fire. BALDE SOLIS GONZALEZ was unable to exit the subject vehicle, burned alive and died when the subject vehicle was engulfed by flames. The subject 2014 Dodge Ram Pickup truck was designed, manufactured and sold by Defendant CHRYSLER.

VI. CAUSES OF ACTION AGAINST DEFENDANT CHRYSLER

Strict Products Liability

6.1 At all times material hereto, as part of its business, Defendant CHRYSLER was regularly engaged in the automotive business in Texas and in Hidalgo County. Defendant CHRYSLER at all times hereto, as part of its business was engaged in the designing, manufacturing, and selling vehicles which are intended to and do reach ultimate consumers located in Hidalgo County, Texas, including the subject 2014 Dodge Ram pickup truck which is the basis for this lawsuit. The subject 2014 Dodge Ram pickup was designed, manufactured and sold by Defendant CHRYSLER.

6.2 At the time the vehicle was designed, manufactured, and sold by Defendant CHRYSLER, and at the time the 2014 Dodge Ram Pickup left the control of Defendant CHRYSLER, it was defective in design and manufacture and unreasonably dangerous as designed and manufactured, in light of its utility and the risk involved in its use. At the time of the accident, the vehicle was in substantially the same condition as it was at the time it left the control of Defendant CHRYSLER. No material alterations were made to the vehicle. At the time of the accident, the vehicle was in the same or substantially similar condition as when it left the control of Defendant CHRYSLER. These design and/or manufacturing defects of the 2014 Dodge Ram Pickup were a producing cause of the death of Balde Gonzalez and include the following:

- a. The subject vehicle had an inadequately designed fuel system. There was a safer alternative design other than the one

used, which was economically and technologically feasible at the time of production and would have prevented or significantly reduced the risk of the death of Balde Gonzalez, without substantially impairing the vehicle's utility. Defendant CHRYSLER should have incorporated design elements that would have adequately protected and safeguarded the fuel tank to prevent a puncture of the fuel tank in a rear-end collision, including a fuel tank shield. This component effectively shields the fuel tank from a foreseeable rear-end impact. The failure to incorporate a gas tank shield significantly increased the risk of a post-collision fuel-fed fire following a foreseeable collision such as the one in question. At the time the vehicle left the control of Defendant CHRYSLER, there was available economically and technologically feasible safer alternative designs that included a fuel tank shield that would have significantly reduced the risk of a post-collision fuel-fed fire, without substantially impairing the utility of the vehicle.

- b. The subject vehicle had a defective right front passenger seat and recliner that was unreasonably dangerous. Upon rear-end impact, the seatback collapsed and mispositioned Balde Solis Gonzalez to the seat, which subjected him to ramping and injury. At the time the vehicle entered the stream of commerce, there were readily available economical safer alternative design production passenger seats that would have significantly reduced the risk of seat back collapse, exposure to seat mispositioning and ramping, without substantially impairing the utility of the vehicle under the conditions of this readily foreseeable rear-end collision.

Negligence

6.3 Plaintiffs adopt and incorporate by reference herein paragraphs 6.1-6.2, as if fully set forth herein.

6.4 Defendant CHRYSLER had a duty to exercise reasonable care in the design, manufacturing, testing, marketing, assembly, and distribution of the subject vehicle to ensure that it was not unreasonably dangerous for its foreseeable or reasonably foreseeable anticipated uses.

6.5 Defendant CHRYSLER was negligent in the design and manufacturing of the “subject vehicle,” which negligence was a proximate cause of the events made the basis of this suit. Such acts of negligence include the following:

- a. Negligent design of its fuel system, as referenced in section 6.2(a) above;
- b. Negligent design and/or manufacture of the right front passenger seat, as referenced in section 6.2(b) above; and
- c. Failure to properly and adequately test the vehicle and/or conduct thorough engineering analysis of the subject vehicle for crashworthiness in a rear-end collision, related to fuel tank punctures in a rear-end collision;
- d. Failure to properly and adequately test the vehicle and/or conduct thorough engineering analysis of the subject vehicle for crashworthiness in a rear-end collision, related to seatback failure in a rear-end collision.
- e. Defendant CHRYSLER knew, or should have known, that relocation of the plastic underslung, forward of axle and between frame rail fuel tank in close proximity to chassis components, including the rear axle and spare tire, significantly increased the risk of fuel tank compromise in a rear collision and a resultant post collision fire.
- f. Defendant CHRYSLER knew, or should have known, that collapse of the front passenger seat back exposed the occupant to a risk of being mispositioned to the seat and ramping with resultant unreasonable risk of exposure to injury that compromised escape time from the vehicle under the conditions of a rear collision.

6.6 The above-referenced acts and/or omissions referenced above of Defendant CHRYSLER were a proximate cause of the injuries to Plaintiffs and the injuries and untimely death of Balde Gonzalez, the physical pain and

mental anguish they collectively suffered, and of the damages suffered by Plaintiffs.

VII. CAUSES OF ACTION AGAINST DEFENDANT LRGVDC

Respondeat Superior

7.1 Additionally, the negligent acts and/or omissions and/or conduct listed herein occurred while Ernesto Trejo was an employee of Defendant LRGVDC and was in the course and scope of his employment and acting in the furtherance of the business of Defendant LRGVDC at the time of the crash, therefore Defendant LRGVDC is vicariously liable to Plaintiffs. This is the result of the application of the doctrine of *Respondeat Superior* as described more particularly herein, thereby imputing the negligence of employee, Ernesto Trejo, to Defendant LRGVDC.

7.2 At the time of the crash which is the basis of this lawsuit, the driver of the 2009 Freightliner bus, Ernesto Trejo, was negligent and careless in the following respects:

- a. In failing to keep a proper lookout prior to the collision in question; and
- b. In failing to timely apply his brakes prior to the collision.

7.3 Each of the aforementioned negligent acts and/or omissions of and/or negligent conduct of Ernesto Trejo, constitutes negligence and was a proximate cause of the collision and of the resulting injuries to Plaintiffs.

Negligent Hiring, Supervision and Training

7.4 Defendant LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL CORPORATION, INC. was negligent, careless and reckless in the following respects:

- a. Negligent hiring with respect to Ernesto Trejo; and
- b. Negligent training and/or supervision with respect to Ernesto Trejo.
- c. Negligent Entrustment of the Freightliner bus to Ernesto Trejo.

7.5 Each of the aforementioned negligent acts and/or omissions of Defendant LRGVDC constituted a proximate cause of the incident made the basis of this suit.

VIII. CAUSES OF ACTION AGAINST DEFENDANT VALLEY METRO

Respondeat Superior

8.1 Additionally, the negligent acts and/or omissions and/or conduct listed herein occurred while Ernesto Trejo was an employee of Defendant VALLEY METRO and was in the course and scope of his employment and acting in the furtherance of the business of Defendant VALLEY METRO at the time of the crash, therefore Defendant VALLEY METRO is vicariously liable to Plaintiffs. This is the result of the application of the doctrine of *Respondeat Superior* as described more particularly herein, thereby imputing the negligence of Ernesto Trejo to Defendant VALLEY METRO.

Negligent Hiring, Supervision and Training

8.2 Furthermore and alternatively, Defendant VALLEY METRO was negligent and is therefore directly liable to Plaintiffs as a result of the following acts or omission:

- a. Negligent hiring with respect to Ernesto Trejo; and
- b. Negligent training and/or supervision with respect to Ernesto Trejo.
- c. Negligent Entrustment of the 2009 Freightliner bus to Ernesto Trejo.

8.3 The above described conduct of Defendant VALLEY METRO by act or omission constituted negligence which was a proximate cause of the incident and the damages sustained by Plaintiffs. Plaintiffs are entitled to an award of compensatory damages from Defendant VALLEY METRO because Defendant's negligence which was a proximate cause of Plaintiffs' actual damages.

IX. NEGLIGENCE OF DEFENDANT ALANIS

9.1 Immediately prior to the accident in question, Defendant MARIA ANTONIA ALANIS, was negligent and careless in the following respects:

- a. In failing to control his speed for the conditions then existing at the time of the accident; and
- b. In failing to keep a proper lookout.

9.2 Each of the aforementioned negligent acts and/or omissions of and/or negligent conduct, constitutes negligence and each act individually or

collectively was/were a proximate cause of the collision and of the resulting injuries to Plaintiffs.

X. NEGLIGENCE OF DEFENDANT SERNA

10.1 Immediately prior to the accident in question, Defendant ARTEMIO SERNA, was negligent and careless in the following respects:

- a. In failing to control his speed for the conditions then existing at the time of the accident; and
- b. In failing to keep a proper lookout.

10.2 Each of the aforementioned negligent acts and/or omissions of and/or negligent conduct, constitutes negligence and each act individually or collectively was/were a proximate cause of the collision and of the resulting injuries to Plaintiffs.

XI. NEGLIGENCE OF DEFENDANT ZAMORA

11.1 Immediately prior to the accident in question, Defendant ALEJANDRO GUADALUPE ZAMORA, was negligent and careless in the following respects:

- a. In failing to control his speed for the conditions then existing at the time of the accident; and
- b. In failing to keep a proper lookout.

11.2 Each of the aforementioned negligent acts and/or omissions of and/or negligent conduct, constitutes negligence and each act individually or

collectively was/were a proximate cause of the collision and of the resulting injuries to Plaintiffs.

XII. CAUSES OF ACTION UNDER TEXAS WRONGFUL DEATH STATUTE

12.1 Plaintiffs are entitled to bring an action of wrongful death pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 71.001, *et. seq.*, by virtue of the following relationships to BALDE GONZALEZ:

- a. DIANA LOMAS GONZALEZ, surviving spouse of Balde Gonzalez;
- b. BRIANA LIZETTE GONZALEZ, surviving adult child of Balde Gonzalez;
- c. SARA SOLIS VALDEZ, surviving parent of Balde Gonzalez; and
- d. BALDAMAR GONZALEZ, SR., surviving parent of Balde Gonzalez.

Wrongful Death Damages of Diana Lomas Gonzalez

12.2 As a direct and proximate result of the actions/inactions of Defendant CHRYSLER, Defendant LRGVDC, Defendant VALLEY METRO, Defendant ALANIS, Defendant SERNA and Defendant ZAMORA, herein, Plaintiff, DIANA LOMAS GONZALEZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BALDE SOLIS GONZALEZ, DECEASED, AND AS THE SURVIVING SPOUSE AND AS HEIR OF THE ESTATE OF BALDE SOLIS GONZALEZ, DECEASED, is entitled to recover in her capacity pursuant to the Texas Wrongful Death Act (CPRC §71.004) and other applicable laws, that sum of money which would fairly and reasonably

compensate her for her damages resulting from the death of her husband, BALDE GONZALEZ, DECEASED, for the damages including: loss of care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, loss of companionship and society, mental anguish, loss of inheritance, and such other damages that Plaintiff, DIANA LOMAS GONZALEZ, Individually is entitled to recover under Texas law.

Wrongful Death Damages of Briana Lizette Gonzalez

12.3 As a direct and proximate result of the actions/inactions of Defendant CHRYSLER, Defendant LRGVDC, Defendant VALLEY METRO, Defendant ALANIS, Defendant SERNA and Defendant ZAMORA, herein, Plaintiff, BRIANA LIZETTE GONZALEZ, INDIVIDUALLY AND AS SURVIVING CHILD, HEIR AND BENEFICIARY OF THE ESTATE OF BALDE GONZALEZ, DECEASED, is entitled to recover in her individual capacity pursuant to the Texas Wrongful Death Act (C.P.R.C. § 71.004) and other applicable laws, that sum of money which would fairly and reasonably compensate her for her damages resulting from the death of her father, BALDE GONZALEZ, DECEASED, for the damages suffered, including: loss of care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, loss of companionship and society, mental anguish, loss of inheritance, and such other damages that Plaintiff, BRIANA LIZETTE GONZALEZ, is entitled to recover under Texas law.

Wrongful Death Damages of Sara Solis Valdez

12.4 As a direct and proximate result of the actions/inactions of Defendant CHRYSLER, Defendant LRGVDC, Defendant VALLEY METRO, Defendant ALANIS, Defendant SERNA and Defendant ZAMORA, herein, Plaintiff, SARA SOLIS VALDEZ, SURVIVING PARENT OF BALDE GONZALEZ, DECEASED, is entitled to recover in her individual capacity pursuant to the Texas Wrongful Death Act (C.P.R.C. § 71.004) and other applicable laws, that sum of money which would fairly and reasonably compensate her for her damages resulting from the death of her son, BALDE GONZALEZ, DECEASED, for the damages suffered, including: loss of care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, loss of companionship and society, mental anguish, loss of inheritance and such other damages that Plaintiff, SARA SOLIS VALDEZ, is entitled to recover under Texas law.

Wrongful Death Damages of Baldamar Gonzalez, Sr.

12.5 As a direct and proximate result of the actions/inactions of Defendant CHRYSLER, Defendant LRGVDC, Defendant VALLEY METRO, Defendant ALANIS, Defendant SERNA and Defendant ZAMORA, herein, Plaintiff, BALDAMAR GONZALEZ, SR., SURVIVING PARENT OF BALDE GONZALEZ, DECEASED, is entitled to recover in his individual capacity pursuant to the Texas Wrongful Death Act (C.P.R.C. § 71.004) and other applicable laws, that sum of money which would fairly and reasonably compensate him for his

damages resulting from the death of his son, BALDE GONZALEZ, DECEASED, for the damages suffered, including: loss of care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, loss of companionship and society, mental anguish, loss of inheritance and such other damages that Plaintiff, BALDAMAR GONZALEZ, SR., is entitled to recover under Texas law.

XIII. SURVIVAL CAUSE OF ACTION

13.1 As a direct and proximate result of the actions/inactions of Defendant CHRYSLER, Defendant LRGVDC, Defendant VALLEY METRO, Defendant ALANIS, Defendant SERNA and Defendant ZAMORA, herein, BALDE GONZALEZ, DECEASED, suffered an untimely death and the Estate of Balde Gonzalez, Deceased, through its Personal Representative, DIANA LOMAS GONZALEZ, is entitled under Survival Cause of Action (Tex. Civ. Prac. & Rem. Code Ann. § 71.021) to recover for the Surviving Beneficiaries and Heirs of the Estate of Balde Gonzalez, Deceased, for physical pain and mental anguish and other damages suffered during the period prior to his death and for funeral expenses.

13.2 Plaintiffs are seeking monetary relief over \$1,000,000.00. The maximum amount of damages claimed by each Plaintiff are the following:

- a. DIANA LOMAS GONZALEZ, surviving spouse of Balde Gonzalez: \$10,000,000.00.
- b. BRIANA LIZETTE GONZALEZ, surviving adult child of Balde Gonzalez: \$7,500,000.00.

- c. SARA SOLIS VALDEZ, surviving parent of Balde Gonzalez: \$5,000,000.00.
- d. BALDAMAR GONZALEZ, SR., surviving parent of Balde Gonzalez: \$5,000,000.00.
- e. BALDAMAR GONZALEZ, JR., DECEASED: \$20,000,000.00.

XIV. PRAYER FOR RELIEF

14.1 WHEREFORE, PREMISES CONSIDERED, DIANA LOMAS GONZALEZ, INDIVIDUALLY AND AS THE SURVIVING SPOUSE, HEIR AND BENEFICIARY OF BALDE SOLIS GONZALEZ, DECEASED, BRIANA LIZETTE GONZALEZ, INDIVIDUALLY AND AS SURVIVING ADULT CHILD, HEIR AND BENEFICIARY OF BALDE GONZALEZ, DECEASED, SARA SOLIS VALDEZ, INDIVIDUALLY AND AS SURVIVING MOTHER OF BALDE SOLIS GONZALEZ, DECEASED AND BALDAMAR GONZALEZ, SR., INDIVIDUALLY AND AS SURVIVING FATHER OF BALDE SOLIS GONZALEZ, DECEASED request that Defendants, CHRYSLER GROUP, LLC, LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL CORPORATION, INC., VALLEY METRO D/B/A MID-VALLEY JAGEXPRESS, MARIA ANTONIA ALANIS, ARTEMIO SERNA AND ALEJANDRO GUADALUPE ZAMORA jointly and/or severally be cited to appear and answer herein and that upon trial and final hearing hereof Plaintiffs have judgment against these Defendants, jointly and/or severally for their damages, as described herein, along with the maximum lawful amount of prejudgment and post-judgment interest thereon. Plaintiffs

further requests that court costs be taxed to the Defendants and that Plaintiffs be granted such other and further relief, at law or in equity, to which they may be justly entitled.

XV. CONDITIONS PRECEDENT

15.1 All conditions precedent have been performed or have occurred.

XVI. MISNOMER

16.1 In the event that Plaintiffs have misspelled the name of a party or incorrectly identified the entity (such as Ltd. versus Inc.), Plaintiffs plead misnomer.

XVII. REQUEST FOR JURY TRIAL

17.1 Having hereby paid the jury fee of \$30.00 to the District Clerk of Hidalgo County, Plaintiffs demand a jury trial of this cause.

Respectfully Submitted,

DILLEY LAW FIRM, P.C.

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing PLAINTIFFS' SECOND AMENDED ORIGINAL PETITION has been sent to the following on the 16th day of July, 2015, via Facsimile to:

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