

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' THIRD 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. D/B/A VALLEY METRO (sometimes referred to as “Defendant LRGVDC”), MARIA ANTONIA ALANIS (sometimes referred to as “Defendant ALANIS”), ARTEMIO SERNA (sometimes referred to as “Defendant SERNA”), ALEJANDRO GUADALUPE ZAMORA (sometimes referred to as “Defendant ZAMORA”), and JOHNSON CONTROLS, INC., AUTOMOTIVE SYSTEMS GROUP (sometimes referred to as “Defendant JOHNSON CONTROLS”) and 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 and survival action, 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 action, 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 action, 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 action, 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. doing business as VALLEY METRO, 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 MARIA ANTONIA ALANIS (sometimes referred to as “Defendant ALANIS”) is an individual resident of Hidalgo County, Texas. Defendant has made a general appearance in this cause for all purposes.

2.8 Defendant ARTEMIO SERNA (sometimes referred to as “Defendant SERNA”) resides at 413 N. Mike Chapa Dr., La Villa, Hidalgo County, Texas. Defendant has made a general appearance in this cause for all purposes.

2.9 Defendant ALEJANDRO GUADALUPE ZAMORA (sometimes referred to as “Defendant ZAMORA”) resides at 450 King James Dr., Alamo, Hidalgo County, Texas 78516. Defendant has made a general appearance in this cause for all purposes.

2.10 Defendant JOHNSON CONTROLS, INC., AUTOMOTIVE SYSTEMS GROUP, is a Wisconsin corporation with its principal offices located in

Milwaukee, Wisconsin. Defendant JOHNSON CONTROLS may be served with process by serving the citation on to its Texas Registered Agent: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

III. JURISDICTION

3.1 This is a claim brought under the Texas Tort Claims Act (TTCA), and 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 Defendant LRGVDC, and the employee of this Defendant 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.

IV. VENUE

4.1 Venue is proper in Hidalgo County, Texas because Defendant LRGVDC maintains its 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. Defendant Artemio Serna was behind Defendant ALANIS' vehicle. Shortly thereafter, Ernesto Trejo, while driving a 2009 Freightliner bus, owned by Defendant LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL CORPORATION, INC., also traveling eastbound on 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 passenger and was wearing his seatbelt. 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, which included the defective seat and seating system in which BALDE SOLIS GONZALEZ was seated at the time of the collision, was designed, manufactured, marketed, assembled, tested, and/or sold by Defendants CHRYSLER and JOHNSON CONTROLS.

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, marketing, 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, marketed, placed in the stream of commerce and sold by Defendant CHRYSLER.

6.2 At the time the vehicle was designed, manufactured, marketed 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. 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 JOHNSON CONTROLS

Strict Products Liability

7.1 The subject 2014 Dodge Ram pickup contained automotive seats designed, manufactured and sold by Defendant JOHNSON CONTROLS. Defendant JOHNSON CONTROLS at all times hereto, as part of its business was engaged in the designing, manufacturing, testing, selling and supplying to Defendant CHRYSLER its component part/seat and seating system, to be integrated into Defendant CHRYSLER'S subject 2014 Dodge Ram pickup truck, which is the basis for this lawsuit. It was foreseeable that Defendant

JOHNSON CONTROLS' component part/seat and seating system and Defendant CHRYSLER's vehicle containing the component part/seat and seating system was intended to and did reach ultimate consumers located in Hidalgo County, Texas.

7.2 At the time the component part/seat and seating system was designed, manufactured, and sold by Defendant JOHNSON CONTROLS and at the time Defendant CHRYSLER's vehicle containing the subject component part/seat and seating system was put into the stream of commerce, it was unreasonably dangerous as designed, manufactured, and/or tested, in light of its utility and the risk involved in its use. At the time of the accident, the subject vehicle was in the subject same or substantially similar condition as when it left the control of Defendant CHRYSLER. These design and/or manufacturing defects of the component part/seat and seating system in the 2014 Dodge Ram Pickup were a producing cause of the death of Balde Gonzalez and include the following:

- a. The subject vehicle had a defective right front passenger seat and recliner that was unreasonably dangerous. Upon rear-end impact, the seatback collapsed and mis-positioned 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 mis-positioning and ramping, without substantially impairing the utility of the vehicle under the conditions of this readily foreseeable rear-end collision.

Negligence

7.3 Plaintiffs adopt and incorporate by reference herein paragraphs 7.1-7.2, as if fully set forth herein.

7.4 The seating system on which Balde Gonzalez sat was at least in part, designed, tested, manufactured and sold to Defendant CHRYSLER by Defendant JOHNSON CONTROL. Defendant JOHNSON CONTROL had a duty to exercise reasonable care in the design, manufacturing, testing, marketing, assembly, and distribution of the subject seat to ensure that it was not unreasonably dangerous for its foreseeable or reasonably foreseeable anticipated uses.

7.5 Defendant JOHNSON CONTROLS' knew, or should have known that the seat and seating systems were inadequate to protect passengers and restrain them in foreseeable collisions, yet Defendant JOHNSON CONTROLS designed, marketed, manufactured and sold the defective seat and seating system anyway.

7.6 Defendant JOHNSON CONTROL'S breached its duty to exercise reasonable care to design, test, manufacture, inspect, market, distribute and sell the component part/seat and seating system free of the unreasonable risk of physical harm to prospective owners, users, occupants, including Plaintiff BALDE SOLIS GONZALEZ, and such negligence was a producing and/or proximate cause of the damages made the basis of this suit. Such acts of negligence include the following:

- a. Negligent design of its seat, as referenced in section 7.2(a) above;
- b. Negligent design and/or manufacture of the right front passenger seat;
- c. Failure to properly and adequately test the component part/seat and seating system and/or conduct thorough engineering analysis of the subject seating system for crashworthiness in a rear-end collision, related to seatback failures in a rear-end collision;
- f. Defendant JOHNSON CONTROLS knew, or should have known, that collapse of the front passenger seat back exposed the occupant to a risk of being mis-positioned 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.

7.7 The above-referenced acts and/or omissions referenced above of Defendant JOHNSON CONTROLS were a producing and/or 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.

VIII. CAUSES OF ACTION AGAINST DEFENDANT LRGVDC

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 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.

8.2 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;
- b. In failing to timely apply his brakes prior to the collision; and
- c. Failure to take proper evasive action.

8.3 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

8.4 Defendant LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL CORPORATION, INC.'s 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.
- d. Negligent maintenance or repair of the Freightliner bus.

8.5 Each of the aforementioned negligent acts and/or omissions of

Defendant LRGVDC constituted a producing and/or proximate cause of the incident made the basis of this suit.

X. 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 her 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 producing and/or proximate cause of the collision and of the resulting injuries to Plaintiffs.

XI. 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 producing and/or proximate cause of the collision and

of the resulting injuries to Plaintiffs.

XII. 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 producing and/or proximate cause of the collision and of the resulting injuries to Plaintiffs.

XIII. 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.

XIV. SURVIVAL CAUSE OF ACTION

13.1 As a direct and proximate result of the actions/inactions of Defendant CHRYSLER, Defendant LRGVDC, Defendant ALANIS, Defendant SERNA, Defendant ZAMORA and Defendant JOHNSON CONTROLS, 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.

XV. 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., MARIA ANTONIA ALANIS, ARTEMIO SERNA, ALEJANDRO GUADALUPE ZAMORA and JOHNSON CONTROLS 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.

XVI. CONDITIONS PRECEDENT

15.1 All conditions precedent have been performed or have occurred.

XVII. 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.

XVIII. 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.

/s/ Hella V. Scheuerman

Douglas E. Dilley

State Bar of Texas No.: 05872000

douglas@dilleylawfirm.com

Hella V. Scheuerman

State Bar of Texas No.: 24001822

hella@dilleylawfirm.com

Miguel E. Dilley

State Bar of Texas No.: 24058330

miguel@dilleylawfirm.com

635 S. Presa

San Antonio, Texas 78210

Tel. No.: 210/225-0111

Fax No.: 210/228-0493

Aizar J. Karam, Jr.

State Bar of Texas No.: 00796860

akaram@karamlawfirm.com

KARAM LAW FIRM

1722 Pecan Avenue

McAllen, Texas 78501

Tel. No.: 956/630-5700

Fax No.: 956/630-5702

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing PLAINTIFFS' THIRD AMENDED ORIGINAL PETITION has been sent to the following on the 9th day of September, 2015, via Facsimile to:

Aizar Karam
Karam Law Firm
1722 Pecan Avenue
McAllen, Texas 78501
Via Facsimile: 1-956-630-5702

Mr. Roy Spezia
Mr. Ryan Bueche
Germer Beaman & Brown, PLLC
301 Congress Avenue, Ste. 1700
Austin, Texas 78701
Via Facsimile: 1-512-472-0721

Mr. Javier Gutierrez
The Gutierrez Law Firm
700 East Third Street
Alice, Texas 78332
Via Facsimile: 1-361-664-7245

Mr. Steven M. Gonzalez
GONZALEZ CASTILLO, LLP
1317 East Quebec Avenue
McAllen, Texas 78503
Via Facsimile: 1-956-618-0445

Mr. Lino H. Ochoa
GARCIA, OCHOA & MASK, LLP
820 South Main Street
McAllen, Texas 78501
Via Facsimile: 1-956-630-5393

Mr. David Square
SQUARE LAW GROUP, PLLC
P.O. Box 5302
Brownsville, Texas 78523
Via Facsimile: 1-956-621-4633

Ricardo J. Navarro
Robert L. Drinkard
DENTON NAVARRO ROCHA
BERNAL HYDE & ZCH
701 E. Harrison, Ste. 100
Harlingen, Texas 78550
Via Facsimile: 1-956-421-3621

Shanan T. Bailey
KRUEGER, BELL & BAILEY, LLP
219 W. Pecan Street
Sherman, Texas 75090
Via Facsimile: 1-903-957-0008

Larry Goldman
GOLDMAN & ASSOCIATES PLLC
10100 Reunion Place, Suite 800
San Antonio, Texas 78216
Via Facsimile: 210-340-9888

/s/ Hella V. Scheuerman
Hella V. Scheuerman