

CAUSE NO. _____

ARACELY CASTILLO, AS NEXT	§	IN THE DISTRICT COURT OF
FRIEND OF (SENSITIVE DATA), MINOR	§	
Plaintiff,	§	
	§	
V.	§	HARRIS COUNTY TEXAS
	§	
MARIA ANTONIA REYES A.K.A	§	
MARIA ANTONIA LOFTIN AND	§	
JOHN LOFTIN III	§	
Defendants.	§	_____th JUDICIAL DISTRICT

PLAINTIFF’S ORIGINAL PETITION, RULE 193.7 NOTICE, REQUEST FOR DISCLOSURES, INTERROGATORIES, REQUESTS FOR PRODUCTION AND REQUEST FOR ADMISSIONS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ARACELY CASTILLO, next friend of (xxxx) a minor, PLAINTIFF, in the above styled and numbered cause of action, and files this Original Petition, Request for Disclosures, Interrogatories, Request for Production, Request for Admissions, and Rule 193.7 Notice, complaining of DEFENDANTS, MARIA ANTONIA REYES A.K.A MARIA ANTONIA LOFTIN AND JOHN LOFTIN III, and in support thereof would show unto this Honorable Court the following:

I. DISCOVERY CONTROL PLAN

1.1 Discovery is intended to be conducted under Level 2 of the Texas Rules of Civil Procedure 190.3 because this suit involves monetary relief aggregating more than \$50,000.

II. PARTIES

2.1 PLAINTIFF, ARACELY CASTILLO, next friend of (xxxx) a minor, is a Texas resident, who currently resides in Harris County, Texas.

2.2 Defendant, MARIA ANTONIA REYES A.K.A. MARIA ANTONIA LOFTIN (hereinafter Maria Loftin), is an individual and resident of the State of Texas who can be served

with process pursuant to TRCP 106(a)(1) by delivering to Defendant, in person, and/or (2) mailing to Defendant by registered or certified mail, return receipt requested, a true copy of the citation and petition at her place of residence, **411 Brown Drive, Pasadena, Texas, 77506.** *Issuance of citation is requested at this time and the fee for said issuance has been paid to the Harris County District Clerk.*

2.3 Defendant, JOHN LOFTIN III (hereinafter John Loftin), is an individual and resident of the State of Texas who can be served with process pursuant to TRCP 106(a)(1) by delivering to Defendant, in person, and/or (2) mailing to Defendant by registered or certified mail, return receipt requested, a true copy of the citation and petition at his place of residence, **411 Brown Drive, Pasadena, Texas, 77506.** *Issuance of citation is requested at this time and the fee for said issuance has been paid to the Harris County District Clerk.*

III. JURISDICTION AND VENUE

3.1 This Court has jurisdiction in this cause since the damages to Plaintiff are within the jurisdictional limits of this Court. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief over \$1,000,000.00.

3.2 All or a substantial part of the events or omissions giving rise to the claim occurred in Harris County, Texas. Therefore, venue is proper pursuant to §15.001 and §15.002(a)(1) of the Texas Civil Practice & Remedies Code. Additionally, the facts show that the convenience of the parties and the witnesses, and the interest of justice would be best served in HARRIS County, Texas.

IV. FACTS

4.1 This suit is brought under and by virtue of the laws of the State of Texas to recover those damages which Plaintiff is justly entitled to receive on behalf of the injured minor

(hereinafter “the minor”), as compensation for injuries the minor sustained in Harris County, Texas on or about February 29, 2016.

4.2 On that date, the minor, a bicyclist, was stopped at the south side of the intersection of the 800 block of Harris Ave, and the 800 block of Witter St. Defendant’s vehicle was traveling west in the 800 block of Harris Ave. As the minor began to cross the roadway of Harris Ave, Defendant accelerated from a stop and collided with the minor. Then, Defendant intentionally ran over the minor and fled the scene. Defendant left the child there to die. As a result of the collision, minor suffered severe injuries for which now Plaintiff seeks compensation.

V. DEFENDANT’S GROSS NEGLIGENCE AND/OR INTENTIONAL TORTIOUS CONDUCT

5.1 At the time of the incident, Defendant had the duty to exercise ordinary care and operate the vehicle he was driving reasonably and prudently. Defendant breached that duty in one or more of the following ways:

- a. Failing to control speed;
- b. Failing to maintain a proper lookout;
- c. Failing to yield right of way;
- d. Driving the vehicle at a rate of speed greater than that at which an ordinary and prudent person would have driven under the same or similar circumstances;
- e. Failing to stop before colliding into minor;
- f. Failing to take evasive action;
- g. Failing to timely apply the brakes;
- h. Failing to stop and render aid;
- i. Driver inattention, including but not limited to using or attempting to use a mobile device; and/or

j. Intentionally driving over a minor after knocking him down with a vehicle.

5.2 Each and all of the above acts and/or omissions constituted negligence, negligence per se and/or intentional tortious conduct on the part of Defendant John Loftin, and each and all were a proximate cause of the injuries and damages suffered by minor.

5.3 The acts and omissions of Defendant, when viewed objectively from his standpoint at the time of their occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. These acts and omissions were more than momentary thoughtlessness, inadvertence, or error of judgment. Rather, Defendant had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others. Such acts and/or omissions of gross negligence as the law defines it were each and all, separately and concurrently, a proximate cause of the incident described above and the resulting injuries and damages sustained by Plaintiff, as set forth herein, and it is on the basis of such gross negligence that Plaintiff hereby seeks an award of exemplary damages.

5.4 Furthermore, the aforementioned conduct of Defendant was willful and/or motivated by conscious disregard to the rights and welfare of Plaintiff and, therefore, Defendant is subject to exemplary damages. Plaintiff would show that he/she is entitled to recover both actual and exemplary damages from Defendant as set forth above, together with prejudgment and post-judgment interest as allowed by law and all costs of court.

VI. NEGLIGENCE AND GROSS NEGLIGENCE OF DEFENDANT MARIA LOFTIN

6.1 Plaintiff hereby incorporates all paragraphs of this pleading as if they were fully alleged herein, and further allege that upon information and belief Defendant Maria Loftin

owned the subject vehicle. Consequently, this Defendant is vicariously liable to Plaintiff for the negligent conduct of Defendant John Loftin under the theory of negligent entrustment.

6.2 The independent conduct of Defendant Maria Loftin constitutes negligence as that term is known in law. Such negligent acts or omission include, but are not limited to the following:

- a. Entrusting a vehicle to Defendant John Loftin who she knew or should have known was a reckless, inexperienced, or incompetent driver.

6.3 One, some, or all of the foregoing acts and/or omissions on the part of this Defendant constituted negligence and such negligence was a proximate cause of the occurrence that forms the basis of this lawsuit and Plaintiff's injuries and damages.

6.4 The acts and omissions of Defendant, when viewed objectively from his standpoint at the time of their occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. These acts and omissions were more than momentary thoughtlessness, inadvertence, or error of judgment. Rather, Defendant had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others. Such acts and/or omissions of gross negligence as the law defines it were each and all, separately and concurrently, a proximate cause of the incident described above and the resulting injuries and damages sustained by Plaintiff, as set forth herein, and it is on the basis of such gross negligence that Plaintiff hereby seeks an award of exemplary damages.

6.5 Furthermore, the aforementioned conduct of Defendant was willful and/or motivated by conscious disregard to the rights and welfare of Plaintiff and, therefore, Defendant is subject to exemplary damages. Plaintiff would show that he/she is entitled to recover both

actual and exemplary damages from Defendant as set forth above, together with prejudgment and post-judgment interest as allowed by law and all costs of court.

VII. DAMAGES

7.1 As a result of the incident made the basis of this lawsuit described in the preceding paragraphs and the negligence of Defendants, minor sustained significant injuries and damages in the past and will in reasonable probability sustain these damages in the future.

7.2 Plaintiff respectfully request that the court determine the amount of minor's injuries as well as the damages, and losses that Plaintiff has incurred in the past and will reasonably incur in the future, as well as the monetary value of these damages, which include, but are not limited to:

- a. Physical pain;
- b. Mental anguish;
- c. Physical impairment;
- d. Medical care expenses;
- e. Out-of-pocket economic losses;
- f. Loss of past earning capacity and/or lost wages;
- g. Loss of enjoyment of life;
- h. Punitive and exemplary damages; and
- i. Consequential damages.

7.3 Because of all the above and foregoing, Plaintiff has suffered actual damages in excess of the minimum jurisdictional limits of the Court for which damages Plaintiff now brings suit.

7.4 Plaintiff seeks both prejudgment and post judgment interest as allowed by law, for all costs of court, and all other relief, both in law and in equity, to which she may be entitled.

VIII. RULE 193.7 NOTICE

8.1 Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to Defendants that any and all documents produced by Defendants may be used against Defendants at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

IX. REQUEST FOR DISCLOSURE

9.1 Pursuant to Rule 194, request is made that each Defendant disclose, within fifty (50) days of service of this request, the information or material described in Texas Rule of Civil Procedure 194.2 (a)-(1). Defendants must serve a written response to these Requests for Disclosure on Plaintiff within fifty (50) days after the service of this request. Failure to timely respond shall constitute an abuse of discovery pursuant to Texas Rule of Civil Procedure 215.

X. INSTRUCTIONS & DEFINITION FOR PLAINTIFF'S REQUESTS FOR PRODUCTION, INTERROGATORIES, AND REQUEST FOR ADMISSION

A. Instructions

10.1 Answer each request for documents separately by listing the documents and by describing them as defined below. If documents produced in response to this request are numbered for production, in each response provide both the information that identifies the document and the document's number.

10.2 For a document that no longer exists or that cannot be located, identify the document, state how and when it passed out of existence, or when it could no longer be located, and the reasons for the disappearance. Also, identify each person having knowledge about the

disposition or loss of the document, and identify any other document evidencing the lost document's existence or any facts about the lost document.

a. When identifying the document, you must state the following:

- (1) The nature of the document (*e.g.*, letter, handwritten note).
- (2) The title or heading that appears on the document.
- (3) The date of the document and the date of each addendum, supplement, or other addition or change.
- (4) The identity of the author and of the signer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered.

b. When identifying the person, you must state the following:

- (1) The full name.
- (2) The present or last known residential address and residential telephone number.
- (3) The present or last known office address and office telephone number.
- (4) The present occupation, job title, employer, and employer's address.

10.3 **PRIVILEGE LOG:** Pursuant to Rule of Civil Procedure 193.3, if information or material is being withheld under claims of privilege the party must state in the response (1) information or material responsive to the request that has been withheld; (2) the request to which the information or material relates; and (3) the privilege or privileges asserted.

10.4 For each interrogatory answered, please state the person answering the interrogatory and also identify any person providing information on which the answer is based.

10.5 For any requested information about a document that no longer exists or cannot be located, identify the document, state how and when it passed out of existence or when it could no longer be located, and give the reasons for the disappearance. Also, identify each person

having knowledge about the disposition or loss, and identify each document evidencing the existence or nonexistence of each document that cannot be located.

B. Definitions

10.6 The following definitions shall have the following meanings, unless the context requires otherwise:

- a. “Plaintiff” or “Defendant,” as well as a party’s full or abbreviated name or a pronoun referring to a party, means the party, and where applicable, the party’s agents, representatives, officers, directors, employees, partners, corporate agents, subsidiaries, affiliates, or any other person acting in concert with the party or under the party’s control, whether directly or indirectly, including any attorney.
- b. Unless indicated otherwise, the terms “you” or “your” means Defendant named in this lawsuit and his/her successors, predecessors, divisions, subsidiaries, present and former officers, agents, employees, and all other persons acting on behalf of Defendant or his/her successors, predecessors, divisions, and subsidiaries.
- c. “Possession, custody, or control” of an item means that the person either has physical possession of the item or has a right to possession equal or superior to that of the person who has physical possession of the item.
- d. “Person” means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all predecessors or successors in interest.
- e. “Mobile device” means cellular telephone, satellite telephone, pager, personal digital assistant, handheld computer, electronic rolodex, walkie-talkie, or any combination of these devices.
- f. “Accident”, “collision”, “occurrence” and/or “incident” refers to the motor vehicle collision that forms the basis of this lawsuit.
- g. As used herein, the terms "referring" and "relating to" (or any form thereof) mean constituting, reflecting, respecting, mentioning, describing, pertaining to, connected with, supporting, contradicting, stating, recording, noting, embodying, containing, studying, analyzing, discussing, regarding or evaluating.
- h. As used herein, the term "identify" means, when used in reference to a natural person, his: (a) full name; (b) home address and telephone number; (c) business address and telephone number; (d) present or last known position, business

affiliation and job description; and (e) business position at the time of the transaction covered by the interrogatory answer.

- i. The term "document" shall mean all writings and means of communication of any kind, including the original and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise. The term "document" shall include without limitation, letters, correspondence, memoranda, notes, diaries, statistics, telegrams, minutes, expert reports, studies, texts, statements, receipts, returns, summaries, pamphlets, books, booklets, periodicals, prospectuses, interoffice and/or intraoffice communications, offers, acceptances, approvals, notations, recordings, transcripts of any sort of conversations, telephone calls, meeting or other communications, bulletins, printed matters, computer printouts, teletypes, telefaxes, invoices, work sheets, counterparts, appointment books, charts, graphs, indices, data sheets, data processing cards, data processing tapes, ledgers, financial statements, notes or memoranda of understandings, agreements, working papers, instructions, checks, financial instruments or statements and documents reflecting financing and any and all drafts, alterations, modifications, changes and amendments of any of the foregoing categories of documents. In addition, the term "document" shall mean graphic or aural records and oral presentations of any kind, including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, motion pictures, computer tapes, computer diskettes or computer cards and any electronic, mechanical or electric recordings of any kind, including without limitation, tapes, cassettes, films, discs, recordings and transcriptions of any audio, video or other recordings.

- j. As used herein, the term "identity" means, when used in reference to a document means:
 - (1) its description (e.g., letter memorandum, report, etc.);
 - (2) its date (if no date appears on the document, then the date of its preparation);
 - (3) the number of pages;
 - (4) its subject matter;
 - (5) the number and subject matter of attachments, if any;
 - (6) the identity of its author, signor or any person who participated in the preparation;
 - (7) the identity of its addressee or recipient;
 - (8) the identity of each person to whom copies were sent and each person by whom copies were received;
 - (9) its present location; and

- (10) the identity of its custodians. (If any such document was, but is no longer, in your possession or control, state what disposition was made on it and when.)

10.7 These Definitions and Instructions are incorporated by reference herein and are applicable to each of the discovery requests propounded herewith.

XI. PLAINTIFF'S REQUESTS FOR PRODUCTION TO DEFENDANT JOHN LOFTIN

1. Produce a copy of any reports, documents, traffic citations, and/or conviction records for traffic violations relating to or arising from the occurrence made the basis of this lawsuit.
2. Produce any and all communications and/or documents sent to or received from, or exchanged by and between you and Plaintiff and her agents, employees, or representatives concerning the subject matter of this lawsuit.
3. Produce the title to the vehicle you were driving when the collision occurred.
4. Produce a copy of your driver's license.
5. Produce all drawings, video recordings, maps, sketches, and/or photographs in your possession relating to and/or depicting the collision, including digital or print photographs of the vehicles, parties, or scene of the collision.
6. Produce all property damage appraisals and/or repair estimates for any vehicle involved in the collision.
7. Produce all reports prepared by any governmental agency relating to the collision.
8. Produce all documents (including, but not limited to, prescriptions, instructions from pharmacists, and written warnings regarding the medication) regarding any medicine you were prescribed at or near the time of the collision made the basis of this litigation.
9. Produce all documents relating to any inspection performed on any vehicle involved in the collision within the past five years.
10. Produce all telephone records, call logs, and any other documents reflecting the use of any mobile device you regularly use, including those issued to you by your employer and those in your possession on the date of the collision.
11. Produce all documents that you have from any other lawsuits regarding personal injury in which you have been involved, including all deposition testimony transcripts and trial transcripts.

12. Produce all documents sent or received, or correspondence (including emails) between you (including your attorneys) and any third party, claims adjuster or potential expert witness regarding the incident made the basis of this lawsuit.
13. Produce copies of all written correspondence, e-mails, facsimile communications, or other documents memorializing and/or relating to any communication between you and any auto liability insurance company in regard to the collision and/or Plaintiff's claims in this lawsuit.
14. Produce copies of all reservation of rights made by any insurance company which may have insurance coverage for Defendant in regard to Plaintiff's claims in this lawsuit.
15. Produce copies of all insurance coverage denial letters made by any auto liability insurance company regarding the collision and/or Plaintiff's claims in this lawsuit.
16. Produce copies of any correspondence or letters from any auto liability insurance carrier in regard to Plaintiff's claims in this lawsuit which assure and/or communicates to you that it will satisfy, pay, absolve you, or otherwise be liable for any judgment or verdict rendered against you in this lawsuit which exceeds the policy limits available under any auto insurance policy.
17. If you contend that that the injuries that Plaintiff seeks compensation for in this lawsuit were caused in whole or in part to any other pre-existing injury or accident, please produce all documents in your possession that support this contention.
18. Produce copies of any excess insurance policy which may provide insurance coverage for the claims in this lawsuit in excess of the primary insurance policy limits of coverage.
19. Produce a copy of a signed authorization for Plaintiff to retrieve your mobile telephone records for the day and time of the incident which serves as a basis of this lawsuit (see attached authorization form).
20. Produce a copy of a signed Application for Copy of Driver Record signed by you (see attached authorization form).
21. Produce any and all correspondence, including electronic messages, to and from any retained testifying and/or his assistants regarding Plaintiff.
22. Produce copies of all checks or proof of payment to any retained testifying expert.
23. Produce any and all documents, reports, notes, studies, transcripts, recordings, interviews conducted by any retained testifying expert regarding Plaintiff's injuries, including but not limited to any third party interviews.

24. Produce copies of any and all photographs or digital imaging or recording of Plaintiff provided by a private investigator hired by you or any other party.
25. Produce copies of any and all itemized billing invoices and statements of any private investigator hired by you or any other party.
26. Produce copies of all correspondence to and/from your coverage counsel to your defense counsel regarding this lawsuit. Do not object or assert a privilege as it is not attorney-client privileged.
27. Produce copies of all correspondence to and/from your coverage counsel to any other third parties regarding this lawsuit. Do not object or assert a privilege as it is not attorney-client privileged.
28. Produce all drafts of reports by any retained testifying expert. For each draft of the report saved electronically, it is requested that the “expert” either print the draft report or save the draft report to disc in the original format.
29. Produce printed copies of all emails between Defendant’s representatives (including lawyers and staff of the law firm) to and from any retained testifying expert.
30. Produce a list of all documents reviewed or relied upon by your retained testifying experts to reach his or her opinions, including a list of all peer reviewed literature, all documents provided to them with attached cover letters or emails from your firm.
31. Produce a list of all cases where any retained testifying expert has been hired by Defendant, Defendant’s lawyer or law firm, or Defendant’s insurance carrier.
32. For every case in which each retained testifying expert has been hired by Defendant, Defendant’s lawyer or law firm, or Defendant’s insurance carrier, produce a copy of the expert designation in each case.
33. Please execute the attached Medical Authorization limited to 5 years-time to obtain your medical records pertaining to any potentially disqualifying medical condition and return it with your response to this Request for Production. **PLEASE COMPLETE AND RETURN THE ORIGINAL OF THE EXECUTED FORM.**

XII. PLAINTIFF’S FIRST SET OF INTERROGATORIES TO DEFENDANT JOHN LOFTIN

1. Please state your full and complete name, any other names by which you have been known, your full and complete home address, your driver’s license number and state of issuance, your date of birth and full and complete name of your current spouse.
2. Please state whether you have ever been convicted in the last ten (10) years of any felony offense, any theft offense, and/or any offense involving moral turpitude, including the

date of each such conviction, the county and state for each such conviction, the offense for which you were convicted, and the sentence received for each such conviction.

3. With regard to the collision made the basis of this lawsuit:
 - a. Describe how the collision in question occurred, including but not limited to your actions or conduct in connection therewith, the weather conditions, when you first saw minor, the approximate speeds of the vehicles prior to and at the moment of impact, the relative positions of the vehicles prior to and at the moment of impact and the approximate position of the vehicles when they came to a stop after impact.
 - b. State the name, address and telephone number of all persons who were present at any time during the collision in question, as well as all persons who may have witnessed this collision.
 - c. Provide the names of the owners and drivers of each vehicle involved in the collision.
4. If you were not the owner of the vehicle you were driving, please state how you came into possession of the vehicle, whether you were operating the vehicle with express or implied consent, permission and/or knowledge of the owner and whether the vehicle was being used for any business purpose or within the course and scope of your employment. (If so, state the names, address and phone number of the business for which the vehicle was being used).
5. Please state the date and place of every motor vehicle collision in which you have ever been involved as a driver in the last ten (10) years, including collisions prior and subsequent to the collision made the basis of this lawsuit.
6. Please state each traffic citation you have received in the last ten (10) years and indicate the date of issuance of each citation, the county and state where you received each citation, the title of the offense for which you received the citation, and the disposition of each citation.
7. Please list your activities and state where you had been during the twenty-four (24) hour period immediately prior to the collision and include any alcoholic beverages consumed, medication taken, or other drugs used; and on the particular trip during the course of which the collision occurred, please also state the following:
 - a. the location from where you started your journey and approximate time of departure;
 - b. destination, had the collision not occurred; and,

- c. The purpose of the trip.
8. With regard to the investigating authorities or emergency services personnel at the scene of the collision, state:
 - a. The contents of any conversation you had with the authorities.
 - b. Any offense(s) for which you were ticketed and the disposition of any ticket(s), including your plea.
 - c. The content of any statement or writing given to the authorities.
9. If you contend that the occurrence made the basis of this lawsuit is wholly or partially attributable to any lack of due care on the part of Plaintiff or any other person or entity over whom you had no control, please set forth the basis for each such contention.
10. Please state the name, address and telephone number of the person or company for which you were employed at the time of the incident made the basis of this lawsuit, your job title or description, and whether you were acting within the course and scope of your employment at the time of the incident.
11. Please state the content of any and all conversations, comments and/or statements made by the Plaintiff which you may have overheard at the scene of the collision made the basis of this lawsuit, including any admissions or statement made against Plaintiff's interest.
12. Pursuant to Rule 609(f) of the Texas Rules of Evidence, please state whether you intend to use at the trial of this cause evidence of criminal convictions, if any, of the Plaintiff or any person that you have identified in response to request for disclosure as a person with knowledge of relevant facts. If so, please state the evidence of conviction that you intend to use. In accordance with the Texas Rules of Civil Procedure and the Texas Rules of Evidence, evidence of a conviction includes, but is not limited to, the name of the person convicted, the offense for which he or he was convicted, the date of such conviction, the Court of such conviction and the sentence involved.
13. Please state the date in which you first anticipated litigation.

XIII. PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT

A. JOHN LOFTIN

1. Admit that on or about **FEBRUARY 29, 2016**, you were involved in a collision with minor in **HARRIS County**, Texas (hereinafter referred to as the "collision").
2. Admit that you were driving the vehicle that was involved in the collision that injured minor.

3. Admit that you owned the vehicle that was involved in the subject collision.
4. Admit that the collision was proximately caused by your negligence.
5. Admit that your negligence contributed to the cause of the collision.
6. Admit that the collision was not proximately caused by any negligent act or omission by minor.
7. Admit that at the time of the collision, your vehicle struck minor.
8. Admit minor received injuries as a result of the collision.
9. Admit that at time of the collision, you failed to timely apply the brakes.
10. Admit that at the time of the collision, you failed to maintain a proper look out.
11. Admit that at the time of the collision, you were driving at a speed greater than that of a reasonable person in similar circumstances.
12. Admit that at the time of the collision, you failed to the control your speed.
13. Admit that at the time of the collision, you failed to yield right of way.
14. Admit that at the time of the collision, nothing obstructed your view of the roadway.
15. Admit that at or near the time of the collision, you were using or attempting to use a mobile device to access the internet, text, access social media, and/or make a telephone call.
16. Admit that you provided a recorded statement to your insurance company.
17. Admit that after you collided with minor you drove over him.
18. Admit that you previously admitted fault for causing the subject collision.

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT

B. MARIA LOFTIN

1. Admit that you owned the vehicle Defendant John Loftin was driving at the time of collision.
2. Admit that you entrusted the vehicle that Defendant John Loftin was driving at the time of the collision to Defendant John Loftin.

3. Admit that you knew or should have known that Defendant John Loftin was a reckless driver.
4. Admit that you knew or should have known that Defendant John Loftin was an incompetent driver.

XIV. PRAYER

13.1 WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited in terms of law to appear and answer herein, that upon final trial and hearing hereof, that Plaintiff recover damages in accordance with the evidence, that Plaintiff recover costs of court herein expended, that Plaintiff recover interest to which Plaintiff is justly entitled under the law, and for such other further relief, both general and special, both in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

THE AMARO LAW FIRM



By: _____

R. James Amaro
SBN: 24036134
2500 E. TC Jester Blvd., Ste. 525
Houston, Texas 77008
713.864-1941 tel.
713.864-1942 fax
fax@amarolawfirm.com

ATTORNEY FOR PLAINTIFF