

CAUSE NO. _____

YURISDAISY GONZALEZ	§	IN THE DISTRICT COURT
RODRIGUEZ, INDIVIDUALLY AND	§	
AS HEIR OF THE ESTATE OF	§	
CAMILO RONQUILLO PANEQUE,		
Plaintiff,		
	§	
V.	§	OF HARRIS COUNTY, TEXAS
	§	
DIANAND VIJAY SOODEEN	§	
D/B/A AVANI LOUNGE; AND	§	
RS DEVELOPMENTS LTD	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Yurisdaisy Gonzalez Rodriguez, Individually and as Heir of the Estate of Camilo Ronquillo Paneque (hereinafter called "Plaintiff" or "Ms. Rodriguez"), complaining of and about Dianand Vijay Soodeen D/B/A Avani Lounge; and RS Developments Ltd (hereinafter called "Defendants" or "Avani Lounge"), and for cause of action would show unto the Court the following:

I. DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

II. PARTIES AND SERVICE

2. Plaintiff brings this suit Individually and as Heir of the Estate of Camilo Ronquillo Paneque, the Deceased. Plaintiff is an individual who resides in Harris County, Texas.

3. Defendant Dianand Vijay Soodeen D/B/A Avani Lounge is an individual doing business at 5711 Hillcroft St., Suite D-6, in Harris County, Texas, and can be served by serving him at 14135 Longshadow, Houston, Texas 77015 or wherever he may be found.

4. Defendant RS Developments Ltd is the owner of the real property at 5711 Hillcroft St., Houston, Texas 77036 (“Property”) and can be served by serving its registered agent Harry N. Shani at 1631 North Loop West, Suite 470, Houston, Texas 77008.

III. JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. This court has jurisdiction over the parties because Defendants purposely availed themselves of the privileges of conducting business in the state of Texas and established minimum contact sufficient to confer jurisdiction over said Defendants.

7. Venue in Harris County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

IV. FACTS

8. At all times material hereto, Defendant Dianand Vijay Soodeen was the owner, manager, and operator of the premises known as Avani Lounge located at 5711 Hillcroft St., Suite D-6, Houston, Texas 77036.

9. At all times material hereto, Defendant RS Developments Ltd was the owner of the property on which Avani Lounge was located, namely at 5711 Hillcroft St., Houston, Texas 77036

10. On September 14, 2015, Plaintiff and her husband, Camilo Ronquillo Paneque, the Deceased, were patrons at Avani Lounge during the after hours at or about 2A.M. Plaintiff and her husband parked on the adjoined second roof parking and when departing the club the Plaintiff's

spouse, the Deceased, Camilo Ronquillo Paneque was shot in the mid torso frontal area of his body and the Plaintiff was shot in the leg by gunfire from an unknown suspect. Plaintiff and her spouse were transported to a nearby hospital for medical treatment.

11. Plaintiff suffered major bodily injuries as a result of the gunshot to her leg requiring medical treatment at a hospital for several days and the Plaintiff's spouse was pronounced dead at the hospital that same day as a result of the mortal, gunshot wound he suffered.

12. Violent crime was an ongoing issue not only on the premise but within a mile radius of the premises during the hours that Avani Lounge operated: 2:00 AM to 6:00 AM.

13. All Defendants failed to properly secure the premises, and its perimeter, and provide adequate security during Avani Lounge's operational hours. The defendants failed to protect their invitees as it is their duty to do such. This failure proximately caused the physical and mental injuries that Plaintiff incurred as a result of the aggravated assault perpetrated by a third party and said failure proximately caused the death of Plaintiff's spouse, Camilo Ronquillo Paneque.

V. WRONGFUL DEATH ACTION

14. The allegations above are realleged herein as if fully set forth in this cause of action.

15. Plaintiff is the surviving spouse of the Deceased, Camilo Ronquillo Paneque ("Decedent") and brings this suit individually, as well as pursuant to Sections 71.001 et seq. of the Texas Civil Practice and Remedies Code, as his surviving spouse.

16. Decedent died as a result of Defendants' wrongful conduct as described herein.

17. Decedent would have been entitled to bring this action against Defendants if Decedent had lived.

VI. CLAIM FOR COMMON LAW NEGLIGENCE

18. The allegations above are realleged herein as if fully set forth in this cause of action.

19. The Defendants failed to act in accordance with the appropriate standard of care causing Plaintiff to suffer physical and emotional damage and causing Decedent's injuries and untimely death. Common law finds owners and or occupiers have a duty to use ordinary care to protect invitees from criminal acts of third parties if they know or have reason to know of an unreasonable and foreseeable risk of harm to the invitee.

20. Here, the Defendants were negligent in knowing, or having the ability to have known, that the area was a high crime area but failing to provide adequate protection for persons parking on the property and persons frequenting their business, such as Plaintiff and the Decedent. The Defendants had a duty to ensure that Plaintiff and Decedent, and those similarly situated, were protected while on its premises. The Defendants failed to do this, thereby causing a breach. This failure to provide adequate precautions left Plaintiff and the Decedent at the hands of a third party assailant. Plaintiff incurred physical and emotional injuries as a result of the assault and the Decedent suffered severe injuries which caused his untimely death.

21. The facts will also show that the Defendants knew that its premises were located in a high crime area. Thus, Defendants knew or should have known that the appropriate action would be to take measures to provide adequate protection for Plaintiff and the Decedent, and those similarly situated.

22. The Defendants failed to do this. Since this failure proximately caused the injuries that Plaintiff sustained and the untimely death of the Decedent, the Defendants are liable to Plaintiff.

23. Moreover, Defendants were negligent in hiring the security company. Defendants owed Plaintiff a legal duty to hire, supervise, and train or retain a competent company; Defendants

breached that duty; and the breach of that duty proximately caused Plaintiff's injuries and the death of Decedent.

VII. CLAIM FOR PREMISE LIABILITY

24. At all times mentioned herein, the Defendants had such control over the premise in question that Defendants owed certain duties to Plaintiff, the breach of which proximately caused the death and injuries set forth herein.

25. Defendants, Defendants' agents, servants, and employees negligently failed to provide adequate protection to its patrons when Defendants knew or should have known that their premises were located in a high crime area.

26. At all times pertinent herein, Defendants, and any of Defendant's agents, who were acting in the scope of their employment, were guilty of negligent conduct toward the Plaintiff in:

A. Failing to provide adequate security measures for the Plaintiff who was visiting its establishment;

B. Failing to give adequate and understandable warnings to Plaintiff of the high crime area that the club was located in;

C. Failing to provide security guards for its premises;

D. Failing to anticipate a shooting;

E. Failing to have applicable policies and procedures in place at the time of the incident made basis of this lawsuit; and

F. Failing to prevent vulnerabilities at the club.

27. A possessor owes a duty to use ordinary care to protect those who may be harmed by the criminal acts of third parties if the possessor knew or had reason to know of an unreasonable and foreseeable risk of harm. In this particular case, Defendants are liable because:

- (1) Plaintiff and her spouse were invitees;
 - (2) Defendants knew, or had reason to know, of an unreasonable;
 - (3) and foreseeable risk of harm;
 - (4) Defendants knew, or should have known, of the previous crimes which occurred that were recent, within close proximity to the premise, frequent, similar, and made known to the public; and
- (5) Defendants breached their duty of ordinary care and such breach caused Plaintiff to suffer significant damages, including causing the untimely death of the Decedent.

VIII. CLAIM FOR GROSS NEGLIGENCE

28. Defendants' acts or omissions described above involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and the Decedent who was shot and killed.

29. Defendants' failed to properly provide adequate security and keep the premises safe. Defendants had actual and subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of the Decedent and Plaintiff.

30. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded from the Defendants.

IX. PROXIMATE CAUSE

31. Each and every, all and singular, of the foregoing acts and omissions, on the part of Defendants, taken separately and/or collectively, constitute a direct and proximate cause of the injuries and damages set forth below.

X. LOSS OF CONSORTIUM

32. As a result of the conduct of the Defendants, which caused Decedent's death and Plaintiff's injuries, as previously alleged herein and adopted by reference as if fully set forth herein again, Plaintiff has suffered irreparable harm to the marital relationship she had with the Decedent. Further, as a result of the death of Decedent, Plaintiff has also suffered the loss of her husband's services. Plaintiff therefore files this claim for her loss of consortium, mental anguish, emotional distress, and the loss of her husband's services.

XI. DAMAGES

33. Decedent was 26 years of age at the time of his death. He was in good health, with a reasonable life expectancy and expected to receive earnings until retirement. Decedent was married and during his lifetime was industrious and energetic, and a good provider. He performed numerous and usual tasks for the family and gave advice, counsel, comfort, care, and protection to his spouse. In all reasonable probability, he would have continued to do so, caring for and supporting his spouse throughout their marriage.

34. Plaintiff has suffered pecuniary loss from the death of her husband, the Decedent, including loss of care, maintenance, support, services, advice, counsel, and contributions of a pecuniary value that she would, in reasonable probability, have received from her husband during his lifetime had he lived. Plaintiff has suffered additional losses by virtue of the destruction of the marital relationship, including the right to love, affection, solace, comfort, companionship, society, emotional support, and happiness. Plaintiff suffered severe mental depression and anguish, grief, and sorrow as a result of the death of her husband, the Decedent, and is likely to continue to suffer. For these losses, Plaintiff seeks damages in a sum within the jurisdictional limits of the Court.

35. In sum, as a direct and proximate result of Defendants' tortious conduct resulting in the death of the Decedent, Plaintiff has suffered the following damages:

A. Loss of care, maintenance, support, services, advice, counsel, and reasonable contributions that Plaintiff would in reasonable probability, have received from Decedent had he lived;

B. Loss of companionship and society in the past and in reasonable probability will; be suffered in the future;

C. Mental anguish in the past and in reasonable probability will be suffered in the future;

D. Loss of financial contributions that in reasonable probability will be suffered in the future;

E. Punitive damages as allowed by Texas law.

36. As a direct and proximate result of the occurrence made the basis of this lawsuit, and Defendants' acts as described herein, Plaintiff was caused to suffer damage to her own body which resulted in her undergoing medical treatment, physical therapy and to endure anxiety, emotional distress, pain, and illness resulting in damages more fully set forth below.

37. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff has incurred the following damages:

A. Reasonable medical care and expenses in the past;

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

C. Physical pain and suffering in the past;

D. Physical pain and suffering in the future;

- E. Mental anguish in the past;
 - F. Mental anguish in the future;
 - G. Physical impairment in the past;
 - H. Physical impairment which, in all reasonable probability, will be suffered in the future;
 - I. Loss of earnings in the past;
 - J. Loss of earning capacity which will, in all probability, be incurred in the future;
 - K. Loss of household services in the past;
 - L. Loss of household services in the future;
 - M. Disfigurement in the past;
 - N. Disfigurement in the future;
 - O. Fear of future disease or condition;
 - P. Cost of medical monitoring and prevention in the future;
 - Q. Posttraumatic Stress Disorder.
38. By reason of the above, Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of the Court and for which this lawsuit is brought.

XII. JURY DEMAND

39. Plaintiff hereby demands a trial by jury and tenders the appropriate jury fee.

XIII. REQUEST FOR DISCLOSURE

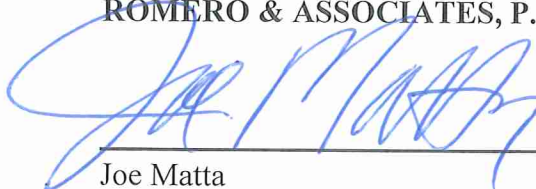
40. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose the information or material in Rule 194.2, within 50 days of the date of service of this Petition.

XIV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for Plaintiff against the Defendants, for damages in an amount within the jurisdictional limits of the Court; exemplary damages, as addressed to each Defendant per Section 41.006, Chapter 41, Texas Civil Practice and Remedies Code, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code; 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 the Plaintiff may be entitled at law or in equity. As required by Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief over \$1,000,000.

Respectfully submitted,

ROMERO & ASSOCIATES, P.C.



Joe Matta
Texas State Bar No.: 13201500
Monica Ishak
Texas State Bar No.: 24091188
Joe Romero
Texas State Bar No.: 24010359
Carlos Rodríguez
Texas State Bar No: 24027788
3601 Navigation Blvd
Houston, Texas 77003
Telephone: (713) 221-1777
Facsimile: (713) 221-1776
Email: jmatta@romeroassociates.com

ATTORNEYS FOR PLAINTIFF