

CAUSE NO.: 2019-72692

**PAMELA CRAFT AND
TAMIKA CRAFT**
Plaintiffs

VS.

**SAMUEL WEBB, ALEXIS EVANS
AND AUTO CLUB COUNTRY
MUTUAL INSURANCE COMPANY**
Defendants

*
*
*
*
*
*
*
*

IN THE DISTRICT COURT OF

164TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**DEFENDANT, SAMUEL WEBB'S RESPONSE AND MOTION TO STRIKE
DEFENDANT EVANS' CROSS CLAIM AGAINST DEFENDANT SAMUEL WEBB**

TO THE HONORABLE COURT:

COMES NOW Defendant, **SAMUEL WEBB**, hereby files his response to Defendant Alexis Evans, Cross Claim Against Defendant, **SAMUEL WEBB** and in support thereof would show the Court the followings:

I. BACKGROUND

This cause of action involves a car wreck in which Defendant, EVANS rear ended the vehicle in which Plaintiffs were riding in on November 2, 2018. The Defendant EVANS was struck by Defendant, SAMUEL WEBB ("Defendant WEBB"). However, Defendant, WEBB struck Defendant EVANS after Defendant EVANS rear ended the Plaintiff's vehicle (see Exhibit "A", WEBB Answers to Interrogatories). This collision was minor and was evidenced by the fact that there was no damage to the front of Defendant WEBB'S vehicle or the rear of Defendant's EVANS vehicle. WEBB'S vehicle did not push Defendant EVANS vehicle into the rear of Plaintiff's vehicle. The Defendant EVANS was the cause of any injuries that may have been suffered by Plaintiffs' not

Defendant WEBB. Defendant WEBB did not cause the collision. Defendant WEBB does not owe contribution and indemnity for Plaintiff's damages.

II. PERTINENT STATUTES

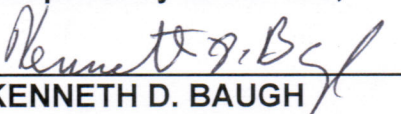
Section 16.069 of the TEX. CIV. PRAC. & REM. CODE provides that (b) cross claims must be filed not later than the 30th day after the date on which the party's answer is required. The Defendant EVANS answer was due on May 17, 2021. The cross claim must have been filed on or before June 16, 2021. Defendant EVANS filed her cross claim on November 19, 2021, which is more than 30 days after Defendant EVANS Answer was due. Defendant EVANS cross action is not timely. In fact the cross action was filed 155 days after the time required by law.

Since Defendant EVANS did not timely meet the requirements of Section 16.069, the Court should strike the Defendant EVANS cross claim from the pleadings in this case.

III. REQUEST & PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant WEBB prays that the Court strike Defendant EVANS cross action against SAMUEL WEBB and grant Defendant WEBB all other further relief, both general and special, at law and equality to which they are entitle.

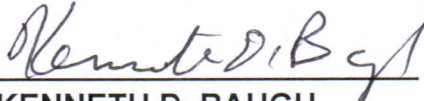
Respectfully submitted,



KENNETH D. BAUGH
2413 BLODGETT
HOUSTON, TEXAS 77004
(713) 529-2901 (OFFICE)
(713) 529-0147 (FAX)
STATE BAR # 01923500
Email: kbaughlawoff@comcast.net
ATTORNEY FOR DEFENDANT
SAMUEL WEBB

CERTIFICATE OF SERVICE

I, **KENNETH D. BAUGH**, hereby certify that a true and correct copy of the foregoing **MOTION** has been sent via E-mailed, facsimile and or/ mailed, first class, return receipt requested to all counsel of record on this 23RD day of November 2021.


KENNETH D. BAUGH

DEFENDANT, SAMUEL WEBB ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES

INTERROGATORY 1: Please state your full name, home address (and all addresses for the last five (5) years, social security number, date of birth, marital status and your employer's name and address.

**SAMUEL DEWAYNE WEBB
14411 CANNATA
HOUSTON, TEXAS 77045**

SS#: 640-64-7846

BORN NOVEMBER 5, 2021

I AM SINGLE, NEVER BEEN MARRIED

CURRENTLY NOT EMPLOYED

INTERROGATORY 2. If you contend that the personal injuries of Plaintiffs, Tamika Craft and Pamela Craft were not caused in the car crash on November 2, 2018 state with particularity the facts upon which you base your contention.

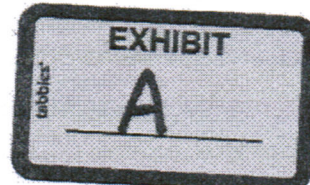
WHEN IT WAS TIME FOR ME TO TURN THE CORNER, THE CAR CRASH BETWEEN ALEXIS EVANS AND MS. CRAFT HAD ALREADY OCCURRED. THE CAR CRASH BETWEEN ALEXIS EVANS AND ME DID NOT CAUSE THE PERSONAL INJURIES OF THE PLAINTIFFS'.

INTERROGATORY 3. Please state in detail your itinerary on the date of the car crash, including each place at which you were present, your length of stay at each such place, and a detailed account of whom you saw and what you did at each such place.

**I HAD GOTTON OFF FROM WORK AND I WAS HEADING HOME.
I WAS COMING FROM 2413 BLODGETT STREET, HOU. TX 77004.
I HAD WORKED FROM 9:30 A.M. TO 3:0'CLOCK P.M.**

INTERROGATORY 4. Please identify all persons known to you to have personal knowledge of the facts pertaining to the car crash, and indicate those who were eye witnesses, and state the substance of their knowledge and articulate their expected testimony.

MS. PAMELA CRAFT – PASSENGER IN THE 1ST VEHICLE



MS. TAMIKA CRAFT- PASSENGER IN THE 1ST VEHICLE

ALEXIS EVANS- SHE HAD ALREADY HIT THE 1ST VEHICLE BEFORE I TURNED THE CORNER. SHE WAS APOLOGIZING TO EVERYONE AND ASKED US NOT TO CALL THE POLICE BECAUSE SHE DID NOT HAVE ANY INSURANCE.

SAMUEL D. WEBB – ONCE THE TRAFFIC LIGHT TURNED GREEN AND I PROCEEDED TO TURN THE CORNER.

INTERROGATORY 5. Please identify the motor vehicle you were operating at the time of the car crash, including its make, year, registration number, and registered owner.

THE VEHICLE I WAS OPERATING AT THE TIME OF THE CAR CRASH WAS A 2003 NISSAN ALTIMA.

I DO NOT HAVE THE CAR ANY MORE

INTERROGATORY 6. Please identify all persons (excluding your attorney) to whom you have given or whom have given you signed statements or recordings, including insurance companies, regarding the car crash, the date thereof, and the name of the person in whose custody each is at this time.

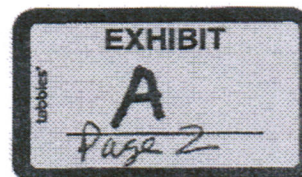
NONE

INTERROGATORY 7. Please state whether you have within your possession or control photographs, audio or video recordings, plats, or diagrams of the scene of the car crash on November 2, 2018.

NONE

INTERROGATORY 8. If you contend that another person acted in such a manner as to cause or contribute to Plaintiffs' personal injuries in the car crash, state all facts upon which you rely to demonstrate this.

THE CAR CRASH HAD OCCURRED BEFORE I TURNED THE CORNER.



INTERROGATORY 9. Please state whether you consumed any drugs, medicines, or alcoholic beverages within twenty-four (24) hours prior to the car crash, the place where such drugs, medicines, or alcoholic beverages were obtained, the nature of the drugs, medicines, or alcoholic beverages, and the amount thereof.

NONE

INTERROGATORY 10. Please state whether you were under the care of a physician at the time of the car crash. If so, please state the name and address of your physician, specify the illness or condition for which you were treated, and list any prescribed medication.

NONE

INTERROGATORY 11. Please state when and where you obtained your driver's license, including whether such permit or license is or was subject to any restriction at the time of the crash, and the nature of such restriction, if any.

I RECEIVED MY DRIVER'S LICENSES IN 2017.

I WAS 18 YEARS OLD AT THE TIME AND I RECIEVED THEM FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY.

INTERROGATORY 12. Please list all prior motor vehicle crashes in which you have been involved, either with other persons or with property. Please include the name of any other driver or property owner involved, the location of the car crash, person at fault, the date and time of the car crash, whether a lawsuit was filed against you and disposition of the matter.

NONE

INTERROGATORY 13: Describe how the car crash occurred, and state specifically what you contend caused or contributed to the cause of the car crash.

THE CAR CRASH HAD ALREDY OCCURRED BEFORE I TURNED THE CORNER. ALEXIS EVANS HAD ALREADY HIT MS. CRAFT'S VEHICLE.



INTERROGATORY 14: Describe what you were doing immediately before the car crash occurred. If you or your passenger were using a mobile device for any purpose, identify the purpose, identify the mobile device telephone number, and if talking with someone on the mobile device, identify the person with whom you were speaking, the telephone number for your mobile device, and the telephone number for the other person.

I WAS WAITING FOR THE TRAFFICE LIGHT TO TURN GREEN SO THAT I COULD MAKE A RIGHT TURN.

I WAS NOT USING ANY TYPE OF MOBILE DEVISE.

THERE WAS NO PASSENGER IN MY VEHICLE.

I DO NOT HAVE THE SAME CELL PHONE NOR THE SAME CELL PHONE NUMBER.

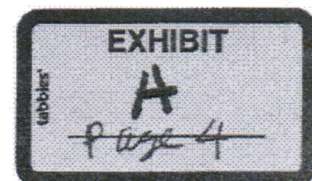
INTERROGATORY 15: Identify all mobile devices you regularly use and include telephone numbers.

I HAD ONLY ONE MOBILE DEVISE.

I NO LONGER HAVE THAT MOBILE DEVISE AND I DO NOT REMEMBER THE CELL NUMBER OF THAT MOBILE DEVISE.

INTERROGATORY 16: Please state whether or not you had automobile insurance coverage for the car you were driving on November 2, 2018 and state the name of the insurance company and policy number.

I THOUGHT I HAD INSURANCE AT THE TIME OF THE CRASH BUT LATER FOUND OUT THAT MY DAD HAD CANCELED IT.



CAUSE NO.: 2019-72692

PAMELA CRAFT AND
TAMIKA CRAFT
Plaintiffs

VS.

SAMUEL WEBB, ALEXIS EVANS
AND AUTO CLUB COUNTY
MUTUAL INSURANCE COMPANY
Defendants

* IN THE DISTRICT COURT OF
*
*
*
* 164TH JUDICIAL DISTRICT
*
*
*
* HARRIS COUNTY, TEXAS

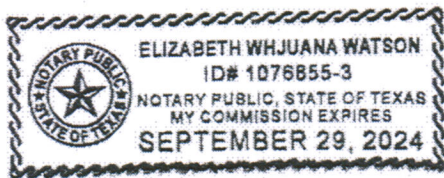
AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared **SAMUEL D. WEBB**, Defendant, being sworn, upon oath stated that each of the foregoing answers to Plaintiff's Interrogatories are within his personal knowledge and are true and correct.

Samuel D. Webb

SAMUEL D. WEBB

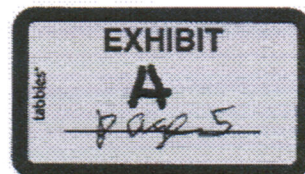
SUSCRIBE AND SWORN TO BEFORE ME on this 5TH day of November 2021.



Elizabeth Whjuana Watson

NOTARY PUBLIC AND FOR
THE STATE OF TEXAS

ELIZABETH WHJUANA WATSON
MY COMMISSION EXPIRES: 09/29/2024



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Larry Baugh on behalf of Kenneth D. Baugh Baugh
Bar No. 1923500
lbaughlawoff@comcast.net
Envelope ID: 59445635
Status as of 11/23/2021 4:34 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
William RRustam		rustamedocs@wbclawfirm.com	11/23/2021 4:27:53 PM	SENT
Tamika Craft		demmingassociates@gmail.com	11/23/2021 4:27:53 PM	SENT
Kenneth Baugh		kbaughlawoff@comcast.net	11/23/2021 4:27:53 PM	SENT
Kevin Shaw		kevshaw@geico.com	11/23/2021 4:27:53 PM	SENT
CKay Schwamkrug		chschwamkrug@geico.com	11/23/2021 4:27:53 PM	SENT