

CAUSE NO. _____

CHRISTA BURCH	§	IN THE DISTRICT COURT OF
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
WILLIAMSBURG ENTERPRISES	§	
LTD., WE 51 STUEB DIXIE LLC,	§	
PETCO ANIMAL SUPPLIES STORES,	§	
INC., AND PETCO ANIMAL	§	
SUPPLIES, INC.	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CHRISTA BURCH**, "Plaintiff", complaining of **WILLIAMSBURG ENTERPRISES LTD., WE 51 STUEB DIXIE LLC, PETCO ANIMAL SUPPLIES STORES, INC., AND PETCO ANIMAL SUPPLIES, INC.**, "Defendants", and for cause of action would show unto the Court as follows:

I.
DOCKET CONTROL PLAN

Discovery is intended to be conducted under Level 2 of the Texas Rules of Civil Procedure, Rule 190.3.

II.
PARTIES

Plaintiff, **CHRISTA BURCH**, is a resident of Montgomery County, Texas.

Defendant, **WILLIAMSBURG ENTERPRISES LTD.**, is a Domestic Limited Partnership (LP) doing business in Texas, and may be served by serving its registered agent, Khaled P Salem, at One Riverway, Suite 1870, Houston, Texas 77056, by our private process server, Court Record Research.

Plaintiff specifically invokes the right to institute this suit against whatever entity was conducting business using the assumed or common name of “**WILLIAMSBURG ENTERPRISES LTD.**” with regard to the events described in this Petition. Plaintiff expressly invokes her right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion of any party or of the Court.

Defendant, **WE 51 STUEB DIXIE LLC**, is a Domestic Limited Liability Company (LLC) doing business in Texas, and may be served by serving its registered agent, Khaled Salem, at 1 Riverway, Suite 1870, Houston, Texas 77056, by our private process server, Court Record Research.

Plaintiff specifically invokes the right to institute this suit against whatever entity was conducting business using the assumed or common name of “**WE 51 STUEB DIXIE LLC**” with regard to the events described in this Petition. Plaintiff expressly invokes her right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion of any party or of the Court.

Defendant, **PETCO ANIMAL SUPPLIES STORES, INC.**, is a Foreign For-Profit Corporation doing business in Texas, and may be served by serving its registered agent, The Prentice-Hall Corporation System, at 211 E. 7th Street, Suite 620, Austin, Texas 78701, by our private process server, Court Record Research.

Plaintiff specifically invokes the right to institute this suit against whatever entity was conducting business using the assumed or common name of “**PETCO ANIMAL SUPPLIES STORES, INC.**” with regard to the events described in this Petition. Plaintiff expressly invokes her right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion of any party or of the Court.

Defendant, **PETCO ANIMAL SUPPLIES, INC.**, is a Foreign For-Profit Corporation doing business in Texas, and may be served by serving its registered agent, Corporation Service Company dba CSC-Lawyers Incorporating Service Company, at 211 E. 7th Street, Suite 620, Austin, Texas 78701, by our private process server, Court Record Research.

Plaintiff specifically invokes the right to institute this suit against whatever entity was conducting business using the assumed or common name of “**PETCO ANIMAL SUPPLIES, INC.**” with regard to the events described in this Petition. Plaintiff expressly invokes her right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion of any party or of the Court.

III. **JURISDICTION AND VENUE**

Jurisdiction is proper in this Court because the suit arises under the laws of the State of Texas and because Plaintiff has suffered damages within the jurisdictional limits of this Court. Venue is also proper in this Court under the Texas general venue statute in that all or a substantial amount of the occurrence took place in Harris County, Texas.

IV.
FACTS

On or about February 7, 2021, Plaintiff, CHRISTA BURCH, acting in her capacity as an invitee, was at a PETCO store—owned and/or operated by Defendants, WILLIAMSBURG ENTERPRISES LTD., and/or WE 51 STUEB DIXIE LLC, and/or PETCO ANIMAL SUPPLIES STORES, INC., and/or PETCO ANIMAL SUPPLIES, INC., Store #5420, located at 16812 Stuebner Airline Rd., Suite 20, Spring, Texas 77379, when she tripped and fell sustaining personal injuries. Uneven asphalt constituted an unreasonably dangerous condition which Defendant knew about or should have been aware of, and Defendant's failure to ameliorate the condition, or in the alternative, warn Plaintiff of the same, constituted negligence and was a proximate cause of the occurrence in question and the resulting injuries to Plaintiff. This accident was not caused by any fault on the part of Plaintiff.

V.
NEGLIGENCE

This accident and the injuries were directly and proximately caused by the negligence of Defendants, store owner, and employees, who were at all material times, acting within the course and scope of their employment for Defendants, in one or more of the following respects:

1. Maintaining a dangerous condition on the premises;
2. Failing to warn Plaintiff of a dangerous condition on the premises;
3. Failing to reasonably inspect and discover a dangerous condition on the premises; and

4. Failing to ameliorate and make safe a dangerous condition on the premises after knowing the dangerous condition existed.

Each and all of the above stated acts and/or omissions, taken singularly, constitute negligence and the same are a direct and proximate cause of the injuries and damages sustained by Plaintiff.

VI. DAMAGES

As a result of the Defendants' negligence, the Plaintiff has sustained personal injuries. The Plaintiff has suffered the following damages:

1. Physical pain in the past and future; and
2. Medical expenses in the past and future; and
3. Physical Impairment in the past and future.

Plaintiff prefers to have the jury determine the fair amount of compensation for Plaintiff's damages. It is early in the case to be assessing the full nature and scope of Plaintiff's damages, and Plaintiff places the decision regarding the amount of compensation to be awarded in the jury's hands.

Texas Rule of Civil Procedure 47, however, *requires* Plaintiff to provide a statement regarding the amount of monetary relief sought. By reason of the above and foregoing, Plaintiff has been damaged in a sum over \$250,000 but not more than \$1,000,000.

VII.

Pursuant to §30.014 of the Texas Civil Practice & Remedies Code, the last three digits of Plaintiff's Texas driver's license are XXXXX761 and the last three digits of Plaintiff's social security number are XXX-XX-X876.

VIII.
RULE 193.7 NOTICE

Plaintiff hereby gives actual notice to Defendants that any and all documents produced may be used against Defendants at any pre-trial proceeding and/or trial of this matter without the necessity of authenticating the documents.

IX.
DESIGNATED EMAIL FOR SERVICE

Plaintiff hereby notifies all parties that the designated email for service for all matters included but not limited to discovery, motions, notices and pleadings, is as follows: rich@ripresutilaw.com.

X.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be duly cited to appear and answer herein and that, upon final trial of this cause, Plaintiff recovers:

1. Judgment against the Defendants, Jointly and Severally;
2. Fair and adequate damages to be determined by the jury;
3. Pre-judgment and post judgment interest as allowed by law;
4. Costs of court; and
5. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully Submitted,

LAW OFFICE OF RICHARD J. PRESUTTI, P.C.

By: _____

RICHARD J. PRESUTTI

SBN: 24004196

MEREDITH M. SMITH

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ANTHONY T. PRESUTTI

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ATTORNEYS FOR PLAINTIFF

Unofficial Copy Office of Marilyn Burgess District Clerk

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.

Anthony Presutti on behalf of Richard Presutti
Bar No. 24004196
anthony@rjpresuttillaw.com
Envelope ID: 71979474
Status as of 1/20/2023 2:16 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Richard Presutti	24004196	RICH@RJPRESUTTILAW.COM	1/20/2023 11:00:57 AM	SENT

Unofficial Copy Office of Marilyn Burges District Clerk