

CAUSE NUMBER: 2024-87373

**IN RE: PETITION OF MICHAEL VAN
DEELAN TO PERPETUATE TESTIMONY
OF AMAZON LOGISTICS, INC.
PLAINTIFF**

**IN THE 269TH JUDICIAL DISTRICT
COURT OF HARRIS COUNTY, TEXAS**

AMENDED RETURN OF SERVICE

My name is **ANDREW SWATZELL**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 1108 Lavaca St Ste 110-549 , Austin TX , 78701, U.S.A.

ON Thursday December 19, 2024 AT 11:45 AM - ORDER, NOTICE OF HEARING, PETITIONER'S VERIFIED PETITION TO PERPETUATE TESTIMONY BEFORE SUIT IS FILED, AND DECLARATION OF PHILIP MORGAN came to hand for service upon **AMAZON LOGISTICS, INC. C/O ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY D/B/A CSC- LAWYERS INCORPORATING SERVICE COMPANY**.

On **Friday December 20, 2024 at 02:19 PM** - The above named documents were hand delivered to: **AMAZON LOGISTICS, INC. C/O ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY D/B/A CSC- LAWYERS INCORPORATING SERVICE COMPANY @ 211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701, in Person, By delivering to Neisha Gross, Intake Agent.**

DUE TO CLERICAL ERROR, THIS AMENDED AFFIDAVIT IS BEING FILED WITH THE COURT TO SHOW SERVICE WAS EXECUTED CORRECTLY. THE ORIGINAL AFFIDAVIT FILED ON DECEMBER 23, 2024 (ATTACHED AS EXHIBIT "A") DID NOT HAVE THE DOCUMENTS THAT ARE LISTED ABOVE ATTACHED TO THE RETURN OF SERVICE. THIS AFFIDAVIT HAS THE CORRECT DOCUMENTS THAT WERE SERVED ATTACHED.

FURTHER AFFIANT SAYETH NOT.

STATE OF TEXAS

DECLARATION

"My name is **ANDREW SWATZELL**, my date of birth is 11/24/1983 my business address is 1108 Lavaca St Ste 110-549 , Austin TX , 78701, U.S.A., and I declare under penalty of perjury that this affidavit is true and correct."

Executed in **Travis County, State of Texas on Thursday January 02, 2025**



PSC#18592 EXP. 09/30/26

Declarant; Appointed in accordance with State Statutes.

2024.12.963570

efile@courtrecords.com

2024-87373 / Court: 269

CAUSE NO. _____

IN RE:

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IN THE DISTRICT COURT OF

PETITION OF MICHAEL VAN
DEELAN TO PERPETUATE
TESTIMONY OF AMAZON
LOGISTICS, INC.

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

ORDER

Pending before the Court is Petitioner Michael Van Deelan's Verified Petition to Perpetuate Testimony Before Suit is Filed in which Petitioner requests an order authorizing Petitioner to take the oral deposition of a representative of Amazon Logistics, Inc. The Court, having considered the Petition, and any arguments of counsel, finds that the Petition has merit and that allowing the Petitioner to take the requested deposition may prevent a failure or delay of justice in an anticipated suit, and that the likely benefit of allowing the Petitioner to take the requested deposition by oral examination to investigate a potential claim outweighs the burden or expense of the procedure.

It is therefore ORDERED that Petitioner is authorized to take the oral deposition of a representative of Amazon Logistics, Inc.

It is further ORDERED that Amazon Logistics, Inc. is directed to designate one or more persons to testify on its behalf about the following matters:

1. The identity of the entity that was responsible for delivering a package to Patrick Germany, 16211 Friar Circle, Spring, Texas on October 2, 2024, order No. 111-5808404-3982622.
2. The identity of the driver that was responsible for delivering a package to Patrick Germany, 16211 Friar Circle, Spring, Texas on October 2, 2024, order No. 111-5808404-3982622.

3. Amazon's corporate structure sufficient to determine which entity within in the company would possess information about the driver's and DSP's identity that was responsible for delivering a package to Patrick Germany, 16211 Friar Circle, Spring, Texas on October 2, 2024, order No. 111-5808404-3982622.

The deposition will be taken on the _____ day of _____, 2025,
at _____ am/pm at the offices of Sorrels Law, 5300 Memorial, Suite 270, Houston,
Texas 77007.

SIGNED _____ 2025,

JUDGE PRESIDING

Unofficial Copy Office of Marilyn Burgess District Clerk

CAUSE NO. 2024-87373

IN RE:

PETITION OF MICHAEL VAN
DEELAN TO PERPETUATE
TESTIMONY OF AMAZON
LOGISTICS, INC.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

269th JUDICIAL DISTRICT

NOTICE OF HEARING

Please note that Petitioner's Petition to Perpetuate Testimony Before Suit is Filed in the above referenced case has been set for an in-person hearing on January 31, 2025 at 10:30 am in the 269th Judicial District Court, Harris County, Texas, located at 201 Caroline, Houston, Texas 77002.

Respectfully submitted,

SORRELS LAW

/s/ Philip J. Morgan
Randall O. Sorrels
State Bar No. 10000000
Philip J. Morgan
State Bar No. 24069008
5300 Memorial Drive, Suite 270
Houston, Texas 77007
Telephone: (713) 496-1100
Facsimile: (713) 238-9500
randy@sorrelslaw.com
phil@sorrelslaw.com
eservice@sorrelslaw.com

Attorneys for Plaintiff

U:STIKKONHNFIQ (TU) 4 K KASH JUSTIK DEKMN QS
Marilyn Burgess - District Clerk Harris County
Envelope No. 93388930
By: Kelly Dente
Filed: 12/17/2024 9:45 AM

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.

Sorrels Law on behalf of Philip Morgan
Bar No. 24069008
eservice@sorrelslaw.com
Envelope ID: 95388930
Filing Code Description: Notice
Filing Description: NOTICE OF HEARING
Status as of 12/17/2024 10:44 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Sorrels Eservice		eservice@sorrelslaw.com	12/17/2024 9:45:17 AM	SENT
Philip J.Morgan		phil@sorrelslaw.com	12/17/2024 9:45:17 AM	SENT
Samantha Ramirez		samantha@sorrelslaw.com	12/17/2024 9:45:17 AM	SENT
Cecilia Trevino		cecilia@sorrelslaw.com	12/17/2024 9:45:17 AM	SENT

2024-87373 / Court: 269

CAUSE NO. _____

IN RE: § IN THE DISTRICT COURT OF
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PETITION OF MICHAEL VAN § HARRIS COUNTY, TEXAS
DEELAN TO PERPETUATE §
TESTIMONY OF AMAZON §
LOGISTICS, INC. § _____ JUDICIAL DISTRICT

PETITIONER'S VERIFIED PETITION TO PERPETUATE TESTIMONY BEFORE SUIT IS FILED

Petitioner, Michael Van Deelan, files this Verified Petition to Perpetuate Testimony pursuant to Texas Rule of Civil Procedure 202 and requests authorization to obtain an oral deposition of a corporate representative of Amazon Logistics, Inc. to investigate a potential claim or suit. Petitioner would show the Court as follows:

Background

1. On October 4, 2024, Petitioner was at his residence in Spring, Texas, which is in Harris County, Texas.
2. An Amazon delivery truck was blocking Petitioner's driveway. Petitioner requested that the Amazon delivery driver move his truck, at which time a verbal altercation erupted.
3. The altercation escalated and eventually culminated with the Amazon delivery driver assaulting Petitioner.
4. Petitioner was severely beaten by the Amazon delivery driver and sustained significant injuries.
5. At this time, the identity of the Amazon delivery driver that beat Petitioner is unknown. This petition is brought, in part, to determine the driver's identity.

6. In addition, the specific entity for which the driver was working at the time of the assault is also unknown. Amazon operates through a network of delivery service providers ("DSP"). It is unknown whether the driver was working directly for Amazon or a DSP. One or both entities may be responsible for Petitioner's injuries.

7. Petitioner was able to take a picture of the Amazon delivery driver's license plate. The vehicle is registered to Amazon Logistics, Inc. Thus, it is believed that this entity would be able to identify the driver responsible for the assault, and, if applicable, the DSP for which the driver was working.

8. Moreover, the driver was delivering a package to one of Petitioner's neighbors. Petitioner has (i) the delivery location, (ii) order number, and (iii) delivery date. An Amazon representative informed counsel that with this information Amazon could identify the driver through "an attorney information request." Counsel placed this request, but Amazon has not responded as promised. In any event, with all the information known about this delivery, a representative of Amazon Logistics, Inc. should be able to identify the driver and entity that the driver was working for.

Specific Rule 202 Requirements

In accordance with Texas Rule of Civil Procedure 202, Petitioner states as follows:

9. Rule 202.2(a): This petition is verified.

10. Rule 202.2(b): The incident at issue occurred in Harris County, Texas.

Therefore, the venue of any anticipated suit is Harris County, Texas. *See* Tex. Civ. Prac. & Rem. Code § 15.002(1).

11. Rule 202.2(c): This petition is being filed in the name of the Petitioner.

12. Rule 202.2(d): Petitioner anticipates the institution of suit in which the Petitioner may be a party. Moreover, Petitioner also seeks this discovery to investigate potential claims against other parties.

13. Rule 202.2(e): The anticipated suit will likely involve multiple causes of action. Petitioner anticipates asserting claims against the Amazon delivery driver that assaulted him. Petitioner also anticipates filing claims of vicarious liability against the entity that employed the delivery driver, as well as any other Amazon entity that exerted sufficient control over the operations that would allow for imposition of vicarious liability. Finally, Petitioner anticipates asserting direct negligent claims against the entity that employed the driver for such things as negligent hiring, training, and supervision. And, in the event that the driver was not employed by Amazon Logistics, Petitioner anticipates asserting claims against Amazon Logistics (or the entity that contracted with the specific delivery service provider that hired the driver) for direct negligence claims as well.

14. Rule 202.2(f)(1): The following persons/entities may have an interest adverse to Petitioner: Amazon Logistics, Inc., c/o its registered agent, Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

15. Rule 202(f)(2): The Amazon delivery driver and his employer (if it is not Amazon Logistics) may have an adverse interest to Petitioner's in the anticipated suit.

Petitioner has diligently attempted to identify the driver and entity. Petitioner has made inquires directly to Amazon to no avail. Petitioner also ran reports through various databases based on the addresses and information known but was unsuccessful in identifying the driver or his employer.

16. Rule 202(g): Petitioner requests to take an oral deposition of a corporate representative of Amazon Logistics, Inc. Petitioner expects to elicit (i) the identity of the driver that assaulted Petitioner, and (ii) the identity of driver's employer. In addition, if Amazon Logistics claims not to know or possess such information, Petitioner would like to depose the representative regarding Amazon's corporate structure to determine the entity that would possess information regarding the driver and the driver's employer. The reason to obtain this information is so that Petitioner can proceed in his suit against the parties responsible for this assault. Specifically, the topics on which a deposition is requested are:

1. The identity of the entity that was responsible for delivering a package to Patrick Germany, 16211 Friar Circle, Spring, Texas on October 2, 2024, order No. 111-5808404-3982622.
2. The identity of the driver that was responsible for delivering a package to Patrick Germany, 16211 Friar Circle, Spring, Texas on October 2, 2024, order No. 111-5808404-3982622.
3. Amazon's corporate structure sufficient to determine which entity within the company would possess information about the driver's and DSP's identity that was responsible for delivering a package to Patrick Germany, 16211 Friar Circle, Spring, Texas on October 2, 2024, order No. 111-5808404-3982622.

Request for Relief

Petitioner, Michael Van Deelen, requests an order authorizing him to take the deposition of a corporate representative of Amazon Logistics, Inc. on the topics of (i) the identity of the driver that assaulted Mr. Van Deelan, (ii) the entity that employed that driver, and (iii) other entities or individuals within the Amazon organization that would have relevant information regarding the first two items.

Respectfully submitted,

SORRELS LAW

/s/ Philip J. Morgan

Randall O. Sorrels

State Bar No. 10000000

Philip J. Morgan

State Bar No. 24069008

5300 Memorial Drive, Suite 270

Houston, Texas 77007

Telephone: (713) 496-1100

Facsimile: (713) 238-9500

randy@sorreislaw.com

phil@sorreislaw.com

eservice@sorreislaw.com

Attorneys for Plaintiff

CAUSE NO. _____

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IN THE DISTRICT COURT OF

PETITION OF MICHAEL VAN
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TESTIMONY OF AMAZON
LOGISTICS, INC.

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

DECLARATION OF PHILIP MORGAN

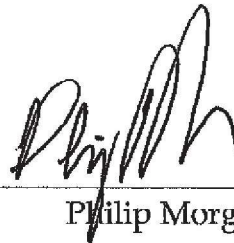
Pursuant to Texas Civil Practice and Remedies Code § 132.001, and under penalty of perjury, Philip Morgan states as follows:

1. My name is Philip Morgan. I am over the age of twenty-one, of sound mind, and I am capable of making this declaration. I am an attorney for Petitioner Michael Van Deelan as it relates to the incident he was involved in on October 2, 2024 with a delivery driver for Amazon.
2. The underlying facts asserted in Petitioner's Verified Petition to Perpetuate Testimony Before Suit is Filed are, to the best of my knowledge, true and correct.

JURAT

My name is Philip Morgan, my date of birth is 10/21/1980, and my address is 5300 Memorial Drive, Suite 270, Houston, Texas 77007. I declare under penalty of perjury that that foregoing is true and correct.

Executed in Harris County, Texas on December 16, 2024.



Philip Morgan

Unofficial Copy Office of Main Business District Clerk

CAUSE NUMBER: 2024-87373

**IN RE: PETITION OF MICHAEL VAN
DEELAN TO PERPETUATE
TESTIMONY OF AMAZON LOGISTICS,
INC.**

**IN THE 269TH JUDICIAL DISTRICT
COURT OF HARRIS COUNTY, TEXAS**

RETURN OF SERVICE

My name is **ANDREW SWATZELL**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 1108 Lavaca St Ste 110-549 , Austin TX , 78701, U.S.A.

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On **Friday December 20, 2024 at 02:19 PM** - The above named documents were hand delivered to: **AMAZON LOGISTICS, INC. C/O ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY D/B/A CSC- LAWYERS INCORPORATING SERVICE COMPANY @ 211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701, in Person**. By delivering to Neisha Gross, Intake Agent.

FURTHER AFFIANT SAYETH NOT.

STATE OF TEXAS

DECLARATION

"My name is **ANDREW SWATZELL**, my date of birth is 11/24/1983 my business address is 1108 Lavaca St Ste 110-549 , Austin TX , 78701, U.S.A., and I declare under penalty of perjury that this affidavit is true and correct."

Executed in Travis County, State of Texas on **Friday December 20, 2024**



PSC#18592 EXP. 09/30/26

Declarant; Appointed in accordance with State Statutes.

2024.12.963570

efile@courtreports.com

EXHIBIT A

2024-87373 / Court: 269

CAUSE NO. _____

IN RE:

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IN THE DISTRICT COURT OF

PETITION OF MICHAEL VAN
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HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

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It is further ORDERED that Amazon Logistics, Inc. is directed to designate one or more persons to testify on its behalf about the following matters:

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3. Amazon's corporate structure sufficient to determine which entity within in the company would possess information about the driver's and DSP's identity that was responsible for delivering a package to Patrick Germany, 16211 Friar Circle, Spring, Texas on October 2, 2024, order No. 111-5808404-3982622.

The deposition will be taken on the _____ day of _____, 2025,
at _____ am/pm at the offices of Sorrels Law, 5300 Memorial, Suite 270, Houston,
Texas 77007.

SIGNED _____ 2025,

JUDGE PRESIDING

Unofficial Copy Office of Marilyn Burgess District Clerk

CAUSE NO. 2024-87373

IN RE:

PETITION OF MICHAEL VAN
DEELAN TO PERPETUATE
TESTIMONY OF AMAZON
LOGISTICS, INC.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

269th JUDICIAL DISTRICT

NOTICE OF HEARING

Please note that Petitioner's Petition to Perpetuate Testimony Before Suit is Filed in the above referenced case has been set for an in-person hearing on January 31, 2025 at 10:30 am in the 269th Judicial District Court, Harris County, Texas, located at 201 Caroline, Houston, Texas 77002.

Respectfully submitted,

SORRELS LAW

/s/ Philip J. Morgan
Randall O. Sorrels
State Bar No. 10000000
Philip J. Morgan
State Bar No. 24069008
5300 Memorial Drive, Suite 270
Houston, Texas 77007
Telephone: (713) 496-1100
Facsimile: (713) 238-9500
randy@sorrelslaw.com
phil@sorrelslaw.com
eservice@sorrelslaw.com

Attorneys for Plaintiff