

CAUSE NO. _____

MICHAEL VAN DEELEN AND
LINDA VAN DEELEN,

Plaintiffs,

v.

K&K SOLOMON LOGISTICS, LLC,

Defendant.

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IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs Michael Van Deelen and Linda Van Deelen ("Plaintiffs") file this Original Petition complaining of Defendant K&K Solomon Logistics, LLC and would show as follows:

I. Discovery Control Plan

1. Plaintiffs intend to conduct discovery under Level 3 of the Texas Rules of Civil Procedure and request issuance of a docket control order.

II. Parties

2. Plaintiff Michael Van Deelen is an individual who resided in Harris County, Texas at the time of the incident at issue.

3. Plaintiff Linda Van Deelen is an individual who resided in Harris County, Texas at the time of the incident at issue.

4. Defendant K&K Solomon Logistics, LLC is a domestic limited liability company. It may be served through its registered agent, Keshia Solomon, 2021 Guadalupe Street, Suite 260, Austin, Texas 78705.

III. Jurisdiction & Venue

5. Jurisdiction is proper in this Court because of the amount of controversy within the jurisdictional limits of this Court. Plaintiffs seek monetary relief of more than \$1,000,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and post-judgment interest.

6. Venue is proper in Harris County, Texas because all or a substantial part of the events or omissions giving rise to this claim occurred in Harris County, Texas.

IV. Facts

7. On or about October 2, 2024, Plaintiff Michael Van Deelen was attempting to leave his residence. However, an Amazon delivery truck negligently parked his truck and blocked Mr. Van Deelen's egress.

8. Mr. Van Deelen approached the Amazon driver and requested that the driver move his vehicle. The driver refused.

9. Mr. Van Deelen then approached the vehicle to take photographs to document this behavior and eventually report it, as such conduct is a nuisance in the community.

10. At that time, an altercation ensued, and the Amazon driver assaulted Mr. Van Deelen. The Amazon driver severely beat Mr. Van Deelen and, as a result, Mr. Van Deelen suffered significant injuries, including, but not limited to bodily injury and severe brain trauma.

11. Mr. Van Deelen's injuries are so severe that his injuries have had a significant impact on his wife, Plaintiff Linda Van Deelen. Mr. Van Deelen's performance

of household services has been impacted and will likely be impacted for the remainder of his life. Moreover, given the nature of Mr. Van Deelen's injuries, the marital relationship has been affected.

12. It is believed that the Amazon driver was employed by and working for Defendant K&K Solomon Logistics, LLC at the time of the incident.

13. The negligence of Amazon driver (i.e., negligently parking the vehicle) was a substantial factor and proximate cause of Plaintiffs' injuries. Defendant K&K Solomon Logistics, LLC is vicariously liable for this act.

14. Moreover, Defendant K&K Solomon Logistics, LLC has a duty to ensure that the drivers that it hires and is sending into communities are properly vetted and fit to handle their job, as well as properly trained. Upon information and belief, Defendant K&K Solomon Logistics, LLC was negligent in its hiring, training, and supervision of this driver, which is a separate legal basis on which to impose liability.

V. Causes of Action

Count 1: Vicarious Liability for Employee's Negligence

15. Plaintiffs hereby incorporate all preceding paragraphs as if fully set forth herein.

16. The Amazon driver was negligent in how he parked his vehicle. Delivery trucks should not block or occlude neighborhood driveways. The negligently parked vehicle was a cause in fact and a substantial factor in Plaintiffs' injuries.

17. Upon information and belief, the Amazon driver was employed by and working for Defendant K&K Solomon Logistics, LLC. Therefore, Defendant K&K Solomon Logistics, LLC is vicariously liable for its driver's negligence.

18. Plaintiff Michael Van Deelen was severely injured as a result of the negligence of the Amazon driver, and Plaintiff Linda Van Deelen has also suffered compensable injuries as a result of the injuries to her husband.

Count 2: Negligence, Negligent Hiring, Negligent Training, and Negligent Supervision

19. Plaintiffs hereby incorporate all preceding paragraphs as if fully set forth herein.

20. Defendant had a common law duty to hire competent and responsible employees, to train those employees, and to properly supervise its employees.

21. Defendant breached those duties. The following are just a few non-exclusive examples of how Defendant breached its duty:

- a. Failing to properly train employees how to park in a residential area;
- b. Failing to properly train employees how to properly interact with members of the community;
- c. Failing to implement adequate policies and procedures for the hiring of drivers to ensure that only drivers fit to handle the job are placed in the community; and
- d. Failing to hire competent and responsible and experienced drivers given the nature of the work environment and situation;

22. Each of the above acts or omissions, singularly or in combination with others constitute negligence which proximately caused the damages and injuries sustained by Plaintiffs.

VI.
DAMAGES

23. As a direct and proximate cause of Defendant's acts and/or omissions, Plaintiff Michael Van Deelen sustained severe injuries and damages. He brings this suit for the following actual damages:

- a. Past and future medical expenses;
- b. Past and future physical pain and suffering;
- c. Past and future mental anguish;
- d. Past and future physical impairment;
- e. Past and future physical disfigurement;
- f. Past and future loss of wages and earning capacity;
- g. Pre- and post- judgement interest;
- h. Costs of Court; and
- i. Any and all damages to which Plaintiff may be justly entitled under the law.

24. Plaintiff Linda Van Deelen is Michael Van Deelen's wife and has been impacted by the injuries sustained by her husband. Plaintiff Linda Van Deelen seeks damages for:

- a. Loss of household services in the past;
- b. Loss of household services in the future;

- c. Loss of consortium in the past;
- d. Lost of consortium in the future;
- e. Pre- and post- judgement interest;
- f. Costs of Court; and
- g. Any and all damages to which Plaintiff may be justly entitled under the law.

25. Based on the above enumerated damages caused by Defendant's acts and/or omissions, the amount of Plaintiffs' damages is substantial and exceeds the jurisdictional minimums of this Court. The amount of damages that would fairly and reasonably compensate Plaintiffs for their injuries is to be properly determined by a jury after consideration of all the evidence presented at trial. However, in satisfaction of the requirements of Tex. R. Civ. P. 47(c), Plaintiffs state that they seek monetary relief over \$1,000,000 at this time. Plaintiffs make this damage calculation pursuant to the Texas Rules of Civil Procedure.

26. This statement is made solely for the purpose of providing information on the nature of this case, does not affect Plaintiffs' substantive rights, and is made subject to Plaintiffs' right to amend.

VII. COURT COSTS AND INTEREST

27. Plaintiffs further allege that they are entitled to recover court costs associated with bringing and prosecuting this suit. In addition, Plaintiffs seek pre-judgment and post-judgment interest as authorized by law. Plaintiffs also claim damages in the amount of the legal interest as allowed by law on all pecuniary and non-pecuniary

damages as found by the jury at the maximum legal rate allowed by law: (a) accruing from a date beginning 180 days after the date the defendant received written notice of this claim or on the date of filing suit, whichever occurred first, until the time judgment against defendant rendered and (b) after judgment until the same is paid.

VIII.
CONDITIONS PRECEDENT

28. All conditions precedent to Plaintiffs' claim for relief have been performed or have occurred.

XI.
RULE 193.7 NOTICE

29. Pursuant to Tex. R. Civ. P. 193.7, Plaintiffs hereby give actual notice to Defendant that any document produced in response to written discovery will be used in pretrial proceedings and/or trial without the necessity of authenticating the documents, unless defendant objects pursuant to Rule 193.7.

PRAYER

For these reasons, Plaintiffs Micheal Van Deelen and Linda Van Deelen respectfully requests that the Court render judgement for them against K&K Solomon Logistics, LLC and award Plaintiffs actual damages, pre-judgment interest, post-judgment interest, costs of court, and any further relief to which they may be justly entitled.

Respectfully submitted,

SORRELS LAW

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Unofficial Copy Office of Marilyn Briggs, District Clerk