

PARTIES

2. Plaintiff Georgiana is an individual residing in Calarasi, Romania. Plaintiff Georgiana is the wife of the deceased, Mr. Mihaita Ilie (“Decedent”), and the representative of Decedent’s Estate.

3. Defendant Tian, LLC, is a domestic entity registered to do business in the State of Texas, with its principal place of business in Travis County. Defendant Tian may be served with personal process, by a process server, by serving its Registered Agent: Zen-Businesses, Inc. at 5511 Parkcrest Drive, Suite 103, Austin, Texas 78731.

4. Defendant Tasty Point, Inc., is a domestic corporation registered to do business in the State of Texas with its principal place of business in Harris County. Defendant Tasty Point may be served with personal process, by a process server, by serving its Registered Agent: Jian Huan Situ at 6100 Corporate Drive, Suite 588, Houston, Texas 77036.

5. Defendant Dengke Li is a foreign individual whose whereabouts are currently unknown. If and when Defendant Li’s whereabouts become known to Plaintiffs, Plaintiffs will supplement with an address to serve Defendant Li.

JURISDICTION

6. The Court has jurisdiction over this cause of action because the amount in controversy is within the jurisdictional limits of the Court. Plaintiffs are seeking monetary relief over \$1,000,000. Plaintiffs reserve the right to amend their petition during and/or after the discovery process.

7. The Court has jurisdiction over Defendant Tian because this defendant engages in business in the State of Texas, and Plaintiffs’ causes of action arise out of this Defendant’s business activities in the State of Texas.

8. The Court has jurisdiction over Defendant Tasty Point because this defendant engages in business in the State of Texas, and Plaintiffs' causes of action arise out of this Defendant's business activities in the State of Texas.

9. The Court has jurisdiction over Defendant Li because he is an employee of Defendants who was acting within the course and scope of his employment at the time of the incident and collision made the basis of this suit, and Plaintiffs' causes of action arise out of the Defendants' business activities in the State of Texas.

VENUE

10. Venue is proper in Harris County pursuant to Texas Civil Practices and Remedies Code Section 15.002(a)(3) because Defendant Tasty Point Inc.'s principal office in this state is located in Harris County, Texas.

FACTS

11. On or about October 11, 2023, Decedent was a passenger in a vehicle traveling eastbound on US Highway 82 in Knox County, Texas. On or about the same time, Defendant Li was operating a motor vehicle traveling northbound on State Highway 6. Defendant Li negligently and wantonly failed to yield the stop sign at the intersection of State Highway 6 and US Highway 82 causing a violent collision with the Decedent's vehicle. At the time of the collision, Defendant Li was employed by Defendants and driving Defendants' vehicle. Defendant Li failed to yield to a stop sign and failed to exercise reasonable care while driving the vehicle. At all times relevant, Defendant Li was acting within the course and scope of his employment with Defendants and operating Defendants' vehicle owned by his employer, Defendant Tian, Defendant Tasty Point Inc., and/or its agents, affiliates, etc.

12. As a result of Defendants' negligent and/or reckless acts and omissions, as described herein, Mr. Mihaita Ilie lost his life.

13. Defendant Li's breach of duty was committed while in the course and scope of his employment as a driver for Defendants. Accordingly, Defendants are vicariously liable for Defendant Li's breach of duty under the theory of respondeat superior. Moreover, Defendants are independently liable for breaching its duty of care to Plaintiffs including, but not limited to, its duty of reasonable care, its heightened duty of care as a common carrier, and its duty as an owner of the vehicle truck involved in the collision. Finally, Defendants are also liable for negligently entrusting the 2020 Toyota Seinna van to Defendant Li.

CAUSES OF ACTION:

COUNT 1- NEGLIGENCE AS TO DEFENDANT LI

14. Defendant Li had a duty to exercise ordinary care and operate his vehicle in a reasonable and prudent manner. Defendant Li breached this duty of care by doing one or more of the following:

- a. Driving at a rate of speed greater than that at which a person of ordinary prudence would have driven under the same or similar circumstance;
- b. Failing to reduce the speed of said vehicle immediately prior to the aforesaid collision to a rate of speed that would be reasonable and prudent under the same or similar circumstances;
- c. Failing to timely apply the brakes;
- d. Failing to stop at a stop sign;
- e. Failing to maintain a proper lookout;
- f. Failing to drive in an attentive manner;

- g. Failing to maintain proper control of Defendants' vehicle;
- h. Failing to turn, swerve, or otherwise maneuver Defendants' vehicle so as to avoid the collision made the basis of this suit;
- i. Operating said vehicle in a careless, unsafe, hazardous manner and reckless manner;
- j. Failing to obey the statutes of the State of Texas as they pertain to the operation of a motor vehicle.

15. Each of these acts or omissions of Defendant Li, singularly or in combination with others, constitutes negligence. Defendant Li's negligence proximately caused the collision that forms the basis of this lawsuit, resulting in death and damages to Plaintiffs. Defendant Li is liable for the injuries and damages suffered by Plaintiffs.

COUNT 2- NEGLIGENCE PER SE AS TO DEFENDANT LI

16. Defendant Li's negligent conduct described within above also constitutes acts and/or omissions in violation of the statutes of the State of Texas. Specifically, Defendant Li violated several provisions of the Texas Transportation Code including, but not limited to:

17. Section 545.351(b)(2), which requires an operator to control the speed of the vehicle as necessary to avoid colliding with another person or vehicle that is on or entering the highway;

18. Section 544.010(a), which requires an operator of a vehicle approaching an intersection with a stop sign to stop.

19. The above statutes are designed to protect a class of persons to which Plaintiffs belonged and are intended to protect persons like them against the type of injuries Plaintiffs suffered. Defendant Li's breach of the duties imposed by the above statutes proximately caused death and injury to Plaintiffs, resulting in significant damages. Moreover, Defendant Li's violation of the

aforementioned statutes was without legal excuse. Defendant Li is liable to Plaintiffs for negligence per se.

**COUNT 3- NEGLIGENCE AS TO DEFENDANT TIAN AND DEFENDANT TASTY
POINT – VICARIOUS LIABILITY/RESPONDEAT SUPERIOR**

20. Without waiving the foregoing, Plaintiffs further allege that Defendant Tian and Defendant Tasty Point are vicariously liable for Defendant Li's negligence, as described here within, under the theory of respondeat superior. Plaintiffs reiterate that Defendant Li was negligent, wanton, reckless, and negligent per se at the time of the incident in question, and as more fully described above. Plaintiffs incorporate by reference the factual allegations contained within and the causes of action against Defendant Li pleaded above.

21. Defendants are vicariously liable for the acts and omissions of its employee, Defendant Li, as he was employed by Defendants at the time of the incident in question and the wrongful acts and/or omissions were committed while in the course and scope of his employment. Here, at the time of the collision, Defendant Li was operating Defendants' 2020 Toyota Sienna van, which is owned by his employer. Defendant Li was driving the Defendants' 2020 Toyota Sienna van in furtherance of the performance of his job duties - specifically, transporting on behalf of Defendants. Accordingly, the tortious acts and omissions committed by Defendant Li were actually and presumably within the course and scope of his employment with Defendants. In addition, Defendant Li was acting in furtherance of Defendants' business and for the accomplishment of the objective for which Defendants' hired Defendant Li when he committed the negligent acts and omissions that were the proximate cause of Plaintiffs' injuries. Accordingly, Defendants are vicariously liable to Plaintiffs under the theories of vicarious liability and respondeat superior.

**COUNT 4 – NEGLIGENCE AS TO DEFENDANT TIAN AND TASTY POINT
DIRECT/INDEPENDENT LIABILITY**

22. Subject to and without waiving the foregoing, Plaintiffs further assert that Defendants are independently and directly liable to Plaintiffs for the negligent acts and omissions committed by Defendant Tian, Defendant Tasty Point, and its agents and/or representatives in the operation of its business. Specifically, Defendants' employment of Defendant Li; Defendants' business operation relating to Defendant Li; and Defendant Li's position and/or designation with Defendants.

23. As Defendant Li's employer, as well as the employer of countless other employees/drivers, Defendants owed a duty of care to Plaintiffs. Specifically, at the time of the incident in question, and with respect to Plaintiffs, Defendants had a duty to:

- A. Use ordinary care in the screening, interviewing, vetting, and hiring its employees including, inter alia, Defendant Li;
- B. Use ordinary care in training its employees including, inter alia, Defendant Li, including but not limited to the safe operation of Langer vehicles;
- C. Use ordinary care in supervising its employees' activities including those of, inter alia, Defendant Li;
- D. Use ordinary care in providing its employees (including, inter alia, Defendant Li) adequate help in the performance of their work;
- E. Use ordinary care in maintaining, servicing, checking, and repairing its vehicles to assure they can be safely operated on public roadways, including the 2020 Toyota Sienna van operated by Defendant Li discussed herein; and
- F. Take such action as a reasonably prudent employer would take to prevent the employee (including, inter alia, Defendant Li) from causing an unreasonable risk of harm to

others, when, because of an employee's incapacity, an employer exercises control over the employee. See *Allsup's Convenience Stores v. Warren*, 934 S.W.2d 433, 437 (Tex.App.—Amarillo 1996, writ denied); *Farley v. MM Cattle Co.*, 529 S.W.2d 751, 754 (Tex.1975); *Nat'l Convenience Store v. Matherne*, 987 S.W.2d 145, 149-50 (Hous. [14th] 1999, no pet.); *Otis Engineering Corp. v. Clark*, 668 S.W.2d 307, 311 (Tex. 1983).

COUNT 5 – NEGLIGENT ENTRUSTMENT AS TO DEFENDANTS

24. Plaintiffs further allege, that Defendants were negligent in entrusting the 2020 Toyota Sienna to Defendant Li. Defendants owned and maintained the vehicle that struck Decedent. Defendant Li, Defendants' employee, was driving the vehicle at the time of the collision. Defendants knew, or, in the exercise of reasonable care, should have known, that Defendant Li was a reckless and/or incompetent driver and/or that Defendant Li was unfit to drive the vehicle in question. Defendant Li was in fact reckless, incompetent, and unfit to drive the vehicle in question on the date of the incident made the basis of this suit, and his negligent acts and/or omissions proximately caused injury to Plaintiffs. Accordingly, Defendants are liable to Plaintiffs for negligent entrustment.

COUNT 6 – GROSS NEGLIGENCE AS TO ALL DEFENDANTS

25. Pleading further, and without waiving the foregoing Plaintiffs hereby brings claims against all Defendants for gross negligence. Plaintiffs incorporates by reference the factual allegations contained and otherwise herein. All Defendants' acts and omissions, as more fully described above, constituted gross negligence as defined under Texas law, which entitles Plaintiffs to exemplary damages under Texas Constitution Article 16, Section 26.

WRONGFUL DEATH

26. Plaintiff Georgiana Ilie, as the Representative of the Estate of Mihaita Ilie, further alleges, without waiving the foregoing, that Defendants are liable to Plaintiff under the Texas Wrongful Death Act. Tex. Civ. Prac. & Rem. Code §§71.001-71.012. Plaintiff Georgiana Ilie is the wife and heir to the Estate Mihaita Ilie.

27. Incorporating by reference the factual allegations above and otherwise herein, Plaintiff Georgiana Ilie alleges that Decedent, her husband, died as a result of Defendants' wrongful conduct. Such conduct, as more fully described herein, was a producing cause of injury to Plaintiff. Accordingly, Plaintiff Georgiana Ilie, as heir to the estate of Mihaita Ilie brings claims for wrongful death and for the appropriate damages therewith to which the estate is entitled, which are more fully described below.

TEXAS SURVIVAL STATUTE

28. Before her untimely death, Decedent had causes of action against all Defendants. These causes of action, as more fully described above, could have been brought against all Defendants on behalf of Decedent had he lived. Decedent suffered damages as a result of Defendants' wrongful acts and omissions. Accordingly, Plaintiff Georgiana Ilie, as the Representative of the Estate of Mihaita Ilie, brings suit as the personal representative and sole heir of Decedent's estate, pursuant to the Texas Survival Statute. Tex. Civ. Prac. & Rem. Code §§71.021(b).

DAMAGES

29. As a result of Defendants' negligence and gross negligence as described herein, Plaintiffs have sustained actual and other damages, both past and future, recovery of which Plaintiffs affirmatively seeks from Defendants; specifically, Plaintiffs' damages include, but are not limited to:

- a. Physical pain in the past and future;
- b. Mental anguish in the past and future;
- c. Disfigurement in the past and future;
- d. Physical impairment in the past and future;
- e. Medical expenses in the past and future;
- f. Lost wages in the past and future; and
- g. Property damage.

All other relief to which Plaintiffs are entitled and that the jury may determine to be proper.

30. Plaintiffs will further show that the negligence of all Defendants, as alleged herein, collectively, or severally constitutes gross negligence and/or amounts to malice, as those terms are defined under Texas law. Accordingly, Plaintiffs are entitled to and seeks punitive and/or exemplary damages from Defendants.

31. Plaintiff Georgiana Ilie will also show that, as a result of the death of her husband, she has sustained pecuniary loss, mental anguish, loss of companionship, loss of consortium, and loss of society. In all reasonable probability, these damages will continue for the remainder of her life.

32. Plaintiffs will respectfully request that the Court and jury determine the amount of the loss Plaintiffs has incurred in the past and will incur in the future, not only from a financial standpoint, but also in terms of good health and freedom from pain and worry, as a direct and proximate result of Defendants' negligent and/or grossly negligent conduct as herein described. There are certain elements of damages provided by law that Plaintiffs are entitled to have the jury in this case to consider, separately, each such element and to determine, separately, for each such element the sum of money that will fairly and reasonably compensate Plaintiffs for such damage or loss,

including those that Plaintiffs have incurred already and those that Plaintiffs are reasonably likely to incur in the future.

JURISDICTIONAL AMOUNT

33. The amount of Plaintiffs' damages are substantial and well in excess of the jurisdictional minimums of this Court. Many elements of damage in the past and future, including pain, suffering, impairment, and mental anguish cannot be determined with mathematical precision. The determination of many of these elements of damage is peculiarly within the province of the jury. Plaintiffs would rather the jury decide what amount of money would fairly and reasonably compensate Plaintiffs for the damages and injuries proven at the time of trial. However, Defendants may utilize Rule 47 of the Texas Rules of Civil Procedure to force Plaintiffs to state a maximum amount of money claimed. While trusting the jury to determine this issue, pursuant to Texas law, under Rule 47, Plaintiffs seek unliquidated damages within the jurisdictional limits of this Court at an amount over \$1,000,000.00 from Defendants. However, if the jury chosen in this case should determine that a larger sum would be appropriate to compensate Plaintiffs for their injuries and damages, Plaintiffs reserve the right to file an amended pleading or move for a trial amendment to carry out the will of the jury as is their right under the United States and Texas Constitutions. Plaintiffs further seek such other and further relief to which they may be entitled to at law or in equity.

PRE AND POST JUDGMENT SOUGHT

34. Plaintiffs further seek for the recovery of all interest allowed at law, including pre-judgment and post-judgment interest.

CONDITIONS PRECEDENT SATISFIED

35. Plaintiffs allege that all conditions precedent to the maintenance of this action have been met or satisfied, in accordance with Rule 54 of the Texas Rules of Civil Procedure.

SELF AUTHENTICATION

36. Pursuant to Rule 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, this is the "actual" written notice that all documents produced in this litigation shall be used by the Plaintiffs at pretrial proceedings and trial. Hence, all documents produced in this litigation are deemed self-authenticating for use in any pretrial proceeding or at trial; and any objections thereto by the Defendants shall be in writing or placed on the record, giving Plaintiffs a reasonable opportunity to establish the challenged document's authenticity.

JURY DEMAND

37. Plaintiffs hereby request that all causes of actions alleged herein be tried before a jury consisting of citizens residing in Harris County, Texas. Plaintiffs hereby tender the appropriate jury fee.

DESIGNATED E-SERVICE EMAIL ADDRESS

38. The following is the undersigned attorney's designated e-service email address for all e-served documents, notices, filed and unfiled, pursuant to Tex. R. Civ. P. 21(f)(2) & 21a: cbrister@turnbullfirm.com. This is the undersigned's only e-Service email address, and service through any other email address will be considered invalid.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that upon trial hereof, Plaintiffs have and recover such sums as would reasonably and justly compensate them, in accordance with the rules of law and procedure as to actual damages, exemplary damages, and

court costs. In addition, Plaintiffs requests the award of attorneys' fees for the trial and any appeal of this case, for all costs of Court on her behalf expended, for prejudgment and post judgment interest as allowed by law, and for any other and further relief, either at law or in equity, to which she may show himself justly entitled.

Respectfully submitted,

Turnbull, Moak & Pendergrass, P.C.

/s/ Callie Dixon Brister

Callie Dixon Brister
Texas Bar No. 24123046
Andrew Joseph Moak
Texas Bar No. 24145839
1811 Bering Drive, Suite 300
Houston, Texas 77057
Telephone: (281) 888-0911
Facsimile: (281) 848-6300
cbrister@turnbullfirm.com
amoak@turnbullfirm.com

For Electronic Service:

cbrister@turnbullfirm.com
amoak@turnbullfirm.com

ATTORNEYS FOR PLAINTIFFS

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.

Brett Turnbull on behalf of Callie Brister
Bar No. 24123046
bturnbull@turnbullfirm.com
Envelope ID: 98358369
Filing Code Description: Petition
Filing Description: Plaintiff's Original Petition
Status as of 3/12/2025 11:19 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Alyson Perry		aperry@turnbullfirm.com	3/12/2025 10:22:57 AM	SENT
Callie Brister		cbrister@turnbullfirm.com	3/12/2025 10:22:57 AM	SENT
Andrew Moak		amoak@turnbullfirm.com	3/12/2025 10:22:57 AM	SENT

Unofficial Copy Office of Marilyn Burgess, District Clerk