

CAUSE NO. 153 260710 12

JENNELLE CARRILLO

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IN THE DISTRICT COURT OF

VS.

TARRANT COUNTY, TEXAS

COWBOYS STADIUM, L.P., COWBOYS STADIUM GP, LLC, BLUE & SILVER, INC., JWJ CORPORATION, DALLAS COWBOYS FOOTBALL CLUB, LTD, and JERRAL "JERRY" WAYNE JONES

153RD JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Jennelle Carrillo, plaintiff herein, and files Plaintiff's Original Petition, complaining of Cowboys Stadium, L.P., Cowboys Stadium GP, LLC, Blue & Silver, Inc., JWJ Corporation, Dallas Cowboys Football Club, LTD, and Jerral "Jerry" Wayne Jones, defendants herein, and for cause of action would respectfully show the Court as follows:

I.

Discovery is intended to be conducted under Level 3 of Tex. R. Civ. P. 190.

II.

Plaintiff is a resident of Cleburne, Johnson County, Texas.

Defendant Cowboys Stadium, L.P., is a Texas Domestic Limited Partnership which is registered to conduct business in the State of Texas and has its principal place of business at One Cowboys Parkway, Irving, Texas 75063 in Dallas County, Texas. Defendant Cowboys Stadium, L.P. may be served with process on its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

Defendant Cowboys Stadium GP, LLC is the general partner of Defendant Cowboys Stadium, L.P., and is a Texas Domestic Limited Company which is registered to conduct business in the State of Texas and has its principal place of business at One Cowboys Parkway, Irving, Texas 75063 in Dallas County, Texas. Defendant Cowboys Stadium, GP, LLC may be served with process

on its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

Defendant Blue & Silver, Inc. is the managing member of Defendant Cowboys Stadium, L.P., and a Texas Corporation which is registered to conduct business in the State of Texas and has its principal place of business at One Cowboys Parkway, Irving, Texas 75063 in Dallas County, Texas. Defendant Blue & Silver, Inc. may be served with process on its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

Defendant JWJ Corporation is a Texas Corporation which is registered to conduct business in the State of Texas and has its principal place of business at One Cowboys Parkway, Irving, Texas 75063 in Dallas County, Texas. Defendant JWJ Corporation may be served with process on its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

Defendant Dallas Cowboys Football Club, LTD is a Texas Domestic Limited Partnership which is registered to conduct business in the State of Texas and has its principal place of business at One Cowboys Parkway, Irving, Texas 75063 in Dallas County, Texas. Defendant Dallas Cowboys Football Club, LTD may be served with process on its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

III.

Venue is proper in Tarrant County, Texas, under the provisions of V.T.C.A., Civil Practice and Remedies Code, §15.002 (a) (1), because all or a substantial part of the events or omissions giving rise to plaintiff's claims occurred in Tarrant County, Texas.

IV.

Defendants were at all times material to this lawsuit the managers, possessors, operators or occupiers of the premises known as Dallas Cowboys Stadium located in Arlington, Tarrant County, Texas. Defendants invited the public, including plaintiff, to attend a Blue & Silver Debut scrimmage game at Cowboys Stadium on or about August 10, 2010. At all times material to

plaintiff's lawsuit, the defendants maintained control over Cowboys Stadium. Defendants thus owed plaintiff the duty to inspect the premises and maintain them in a reasonably safe condition.

At the invitation of defendants, plaintiff went to Cowboys Stadium on or about August 10, 2010, to watch the Blue & Silver Debut scrimmage game. Prior to entering the seated area of Cowboys Stadium, plaintiff sat down on a black, marble bench outside of and near entrance "E" to the stadium. The bench was uncovered and openly exposed to the extremely hot August sun. The combination of the nature of the black, marble bench and hot sunlight caused the bench to become extremely hot and unreasonably dangerous. No signs were posted at or near the bench warning that it was too hot for persons to sit on nor was the bench roped off to prevent persons from sitting on it. As a result of sitting on the bench, plaintiff sustained severe third degree burns to her buttocks. These injuries required plaintiff to be admitted to a hospital and undergo skin grafts and other treatment for her burn injuries. Defendants retained control of the bench and surrounding area where plaintiff was injured.

V.

The condition of the premises posed an unreasonable risk of harm because the bench, made of black marble, became extremely hot when exposed to the August sun. Defendants knew or reasonably should have known that the material used to construct the bench would become unreasonably and dangerously hot when exposed to the August sun. In addition, the defendants knew or reasonably should have known that plaintiff or some other person would sit on the bench at a time when it would be extremely hot. Defendants breached their duty of care by both failing to make the condition reasonably safe and failing to adequately warn the plaintiff of the condition of the bench when exposed to the hot August sun. Defendants' failure to use reasonable care further caused the injuries and damages suffered by plaintiff.

Plaintiff's burn injuries were caused by the unreasonably dangerous condition of the bench, and defendants, their agents, or employees, knew or should have known that the condition of the bench posed an unreasonable risk of harm to plaintiff. Nevertheless, defendants did not exercise

reasonable care to eliminate the risk of harm to plaintiff posed by the bench, nor did defendants adequately warn plaintiff of the risk of harm posed by the bench. No warning signs were posted at or near the bench advising that it was dangerously hot when exposed to the August sun.

VI.

As a direct and proximate result of defendants' negligent acts and omissions, plaintiff Jennelle Carrillo has suffered physical pain and mental anguish, reasonable and necessary medical expenses, loss of earning capacity, physical impairment, disfigurement, and, with reasonable probability and certainty, will continue to suffer the aforementioned damages in the future. Plaintiff's damages are within the jurisdictional limits of this Court.

VII.

Plaintiff is entitled to the recovery of pre-judgment interest in accordance with law and equity as part of her damages and sues specifically for the recovery of pre-judgment interest as provided by law and equity under the applicable laws of the State of Texas.

VIII.

Plaintiff respectfully demands a trial by jury and tenders a jury fee.

IX.

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, plaintiff requests each defendant to disclose, within fifty (50) days after service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure. Plaintiff specifically requests each defendant to produce responsive information or material at the undersigned law offices within fifty (50) days after service of this request.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the defendants be cited in terms of law to appear and answer herein, that upon final trial and hearing hereof, she recover her damages in accordance with law and the evidence, that she recover interest, both pre-judgment and post-judgment, to which she is entitled by law and equity, that she recover costs of court incurred herein, and that she have and recover such other and further relief, general and

special, legal and equitable, to which she may show herself justly entitled, and to which the court and jury may believe her deserving. .

Respectfully submitted,

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