

CAUSE NO. \_\_\_\_\_

JANE DOE, Individually and As Next  
Friend of MARY DOE, Minor,

Plaintiffs,

V.

KEITH PORTER,

Defendant.

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IN THE SMALL CLAIMS COURT

PRECINCT NUMBER ONE

WILLIAMSON COUNTY, TEXAS

**PLAINTIFFS' ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COME NOW, JANE DOE, Individually and As Next Friend of MARY DOE, Minor, Plaintiffs in the above-styled cause, and hereby complain of KEITH PORTER, Defendant, and for this cause of action would respectfully show the Court as follows:

**I.  
DISCOVERY CONTROL PLAN**

Plaintiffs intend to conduct discovery under a Level One (1) Discovery Control Plan, pursuant to Rules 190.1 and 190.2 of the Texas Rules of Civil Procedure.

**II.  
PARTIES**

Plaintiff JANE DOE (hereinafter, "Ms. Doe") and her minor daughter, Plaintiff MARY DOE (hereinafter, "Mary") are individuals residing at 1401 A.W. Grimes #717, Round Rock, Texas 78664 (Williamson County).

Upon information and belief, Defendant KEITH PORTER (hereinafter, "Defendant") is an individual residing at 1504 Windsong Trail, Round Rock, Texas 78664 (Williamson County), and may be served with process at this address. Plaintiffs are requesting this Court for citation

only and will arrange for private process service.

### **III. JURISDICTION AND VENUE**

This Court has personal jurisdiction over Defendant because he is a resident of the State of Texas, and the subject matter of this action arises under the common law of the State of Texas. Furthermore, the amount in controversy is within the jurisdictional limits of this Court.

Venue is proper in this Court because all or a substantial part of the events or omissions giving rise to this cause occurred in Williamson County, pursuant to Texas Civil Practice & Remedies Code § 15.002(a)(1), and more specifically because the particular acts and omissions complained of occurred within this precinct.

### **IV. FACTS**

On or about July 9, 2009, at approximately 11:00 a.m. on a Thursday morning, Plaintiffs Ms. Doe, and her daughter Mary, were the properly restrained driver and front seat passenger of a 2006 Toyota Camry sedan in the parking lot of the H-E-B grocery store located at 603 Louis Henna Boulevard, Round Rock, Texas 78664 (Williamson County).

Plaintiffs' vehicle was driving southbound through the parking lot, toward the H-E-B store (parallel to Greenlawn Boulevard), in search of a parking space. When Ms. Doe reached the end of that southbound aisle, she noted a parking space opening up to her right (on the adjacent northbound aisle). She then started to turn to her right, around the grassy divider. She slowed to a near-stop, using her blinker to indicate she was waiting for a parking space to clear.

At this instant, Defendant, driving a full-size Ford Explorer sport utility vehicle (SUV), was traveling southbound, too fast for a parking lot, through the same aisle. He quickly turned to the right around the same grassy divider as Plaintiffs, slamming into the rear of their sedan.

**V.**  
**NEGLIGENCE**

Defendant's above-mentioned actions and/or omissions constituted negligence, in one or more of the following respects:

- (a) He failed to be attentive and keep a proper lookout for traffic conditions ahead;
- (b) He failed to control his speed in a parking lot;
- (c) He failed to maintain assured clear distance; and,
- (d) He failed to timely apply his brakes to avoid a collision.

**VI.**  
**DAMAGES**

As a result of the actions and/or omissions enumerated above, Plaintiffs have suffered damages. Specifically, Plaintiff Ms. Doe has suffered:

- (a) Past property damage to her vehicle;
- (b) Past medical expenses;
- (c) Past physical pain and suffering;
- (d) Past physical impairment; and,
- (e) Past mental anguish.

Plaintiff Mary has suffered:

- (a) Past medical expenses;
- (b) Past physical pain and suffering; and,
- (c) Past mental anguish.

The negligence of Defendant proximately caused the collision made the basis of this lawsuit, and the injuries and damages to Plaintiffs complained of herein.

**VII.  
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that Defendant be cited to appear and answer, and that on final trial, Plaintiffs have and recover:

- a) Judgment against Defendant for actual damages in the maximum jurisdictional amount of this Court, i.e., \$10,000.00;
- b) Pre-judgment interest at the highest rate allowed by law, if judgment for actual damages be less than \$10,000.00;
- c) Taxable costs of Court;
- d) Post-judgment interest at the highest rate allowed by law; and,
- e) Such other and further relief, general or special, at law or in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

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