

[7/21/73]

Cause Number _____

HECTOR GARCIA		IN THE COUNTY COURT
vs.		AT LAW NO. _____ OF
GEORGE TREVINO		NUECES COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Hector Garcia, hereinafter referred to as Plaintiff, complaining of George Trevino hereinafter referred to as Defendant, and for cause of action would respectfully show unto the Court the following:

I.

That Plaintiff is a resident of Nueces County, Texas; that the Defendant may be served at: 216 W. Avenue B, Robstown, Texas,

and is a resident of Nueces County, Texas.

II.

For cause of action Plaintiff would show that on or about the 21st day of July, 1973, Plaintiff's 1970 Cadillac automobile was legally parked in the 100 block of East Avenue A in Robstown, Nueces County, Texas, when suddenly and without warning, the Defendant who was proceeding in an easterly direction on said East Avenue A, ignored Plaintiff's vehicle and carelessly and negligently drove his automobile in such a manner as to cause it to collide with Plaintiff's automobile damaging Plaintiff's automobile as hereinafter described.

III.

That at the time and on the occasion in question, the Defendant was guilty of negligence toward Plaintiff in that he failed to use that degree of care which would have been exercised by a person of ordinary prudence under

the same or similar circumstances, in the following particulars, to-wit:

- (a) That Defendant was negligent in failing to keep a proper lookout for Plaintiff's vehicle.
- (b) That Defendant was negligent in the application of his brakes, either failing to timely, or properly, or in applying them at all, on the automobile he was driving.
- (c) That Defendant was negligent in failing to turn to avoid striking Plaintiff's automobile.
- (d) That Defendant was negligent in traveling at an excessive rate of speed for the circumstances existing at the time and on the occasion in question in violation of the laws of the State of Texas, Article 6701d, State Traffic Regulations, Section 166(b) and (c).
- (e) That Defendant was negligent as a matter of law in failing to yield the right-of-way to the Plaintiff automobile in violation of the laws of the State of Texas, Article 6701d, State Traffic Regulations.
- (f) That at the time and on the occasion in question, the Plaintiff or his driver, was faced with a sudden emergency caused by the negligent acts of the Defendant or his driver aforesaid, and when faced with such emergency the Plaintiff, or his driver, acted as a reasonable, prudent person would have acted under the circumstances.

One, more than one, a combination, or all of the foregoing negligent acts or omissions, among others, were the direct and proximate cause of the collision and damages sustained by the Plaintiff .

IV.

Plaintiff , or his driver, further says that if he should be found to have been guilty of any acts of negligence, which he specifically denies, he

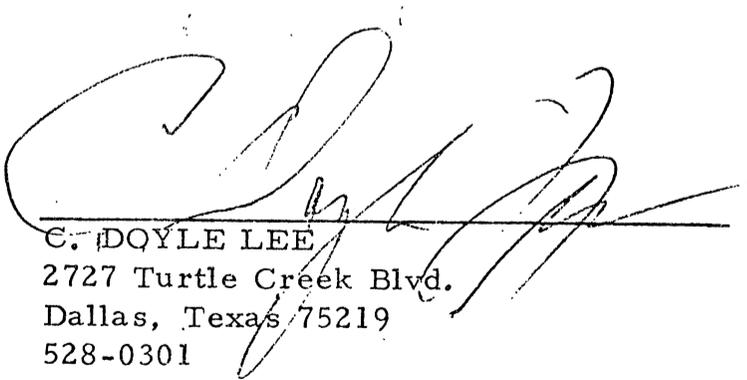
was prior to the collision in question, in a perilous position, that Defendant discovered same and realized or should have realized that Plaintiff , or his driver, could not or might not extricate himself from the dangerous situation, that such discovery was made in time to avoid the collision by the use of all means at his command, with due regard to the safety of himself and occupants, if any, and that Defendant failed to use such means; that such failure was negligence and the proximate cause of the collision in question.

V.

Plaintiff would show the Court that as a direct result and consequence of the collision, Plaintiff's 1970 Cadillac automobile was badly crushed, broken and damaged, and by virtue thereof, the reasonable market value of such automobile in the vicinity of Nueces County, Texas, was lessened in the sum of \$ 1,293.98.

In the alternative, Plaintiff would show that the reasonable and necessary costs of repairs to Plaintiff's automobile were in the sum of \$ 1,293.98.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein and that on trial hereof Plaintiff do have and recover from Defendant , jointly and severally, the sum of \$ 1,293.98, for costs of Court, for interest on the Judgment, and for such other and further relief, both at law and in equity to which Plaintiff is justly entitled.


C. DOYLE LEE
2727 Turtle Creek Blvd.
Dallas, Texas 75219
528-0301

Attorney for Plaintiff