

Cause No. _____

Webb County,	§	Justice of the Peace
Plaintiff	§	Precinct 1, Place 1
	§	
v.	§	
	§	
Jose Luis Munoz, Jr. and	§	Webb County, Texas
Jesus Alfredo Rodriguez,	§	
Defendants.	§	

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, WEBB COUNTY, by and through its undersigned representative, hereinafter referred to Jacquelyn Trevino, counsel for Webb County, Texas as Plaintiff, complaining of and about Defendants Jose Luis Munoz Jr. and Jesus Alfredo Rodriguez, hereinafter referred to by name or as Defendants, and for cause of action would show unto the Court the following:

I. DISCOVERY CONTROL PLAN LEVEL

Plaintiff intends discovery to be conducted under Level 2 of the Discovery Control Plan, Rule 190.3 of the Texas Rules of Civil Procedure.

II. JURISDICTION AND VENUE

This Court has jurisdiction and venue is proper in Webb County, Texas because that is where all or part of the incident occurred.

III. PARTIES AND SERVICE

1. Plaintiff, Webb County, is a governmental entity in Texas.
2. Defendant, Juan Jose Martinez, is a resident of Webb County, Texas and can be served at his residence at 2962 Tyler St., Laredo, Texas 78043.

3. Defendant, Jesus Alfredo Rodriguez, is a resident of Webb County, Texas and can be served at his residence at 2962 Tyler St., Laredo, Texas 78043.

IV. FACTS

On or about July 8, 2024, Defendant Jose Luis Munoz Jr., was traveling north on Springfield Avenue in Laredo, Texas, in a vehicle owned by Defendant Jesus Alfredo Rodriguez, when he drove around a stationary vehicle and struck Plaintiff's vehicle. *See* Exhibit 1. Plaintiff's vehicle was a marked constable patrol vehicle that was conducting a funeral procession escort. Plaintiff's vehicle was stationary at the intersection of Springfield Avenue and Taylor Street with its lights and sirens activated when Defendant Munoz struck the vehicle. *Id.* Defendant Munoz negligently entered the left lane and drove around another vehicle which was stopped due to the funeral procession, resulting in a collision wherein Plaintiff's vehicle sustained significant damage. *Id.*

V. NEGLIGENCE

The collision and damages to Plaintiff's vehicle were proximately caused by Defendants' negligence and careless and reckless disregard of duty which consisted of, but is not limited to, the following acts and omissions:

1. Failing to keep a proper lookout that would have been maintained by a person of ordinary prudence under the same or similar circumstances.
2. Failure to yield for Plaintiff's vehicle when the emergency sirens were activated.
3. Driver inattention.
4. Failure to yield to an emergency vehicle in violation of Texas Transportation Code §545.156.

5. Negligent entrustment of a vehicle to a driver whose negligence in turn proximately caused the accident. *See Cates v. Creamer*, 431 F.3d 456 (2005); *see also Arias v. Aguilar*, 515 S.W.2d 313 (1974).

Each of the aforementioned negligent acts or omissions of Defendants constituted a proximate cause of the collision and of the resulting damages to Plaintiff's vehicle.

VI. DAMAGES

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff suffered property damage to its vehicle. Plaintiff incurred the following damages:

1. Property damage in the amount of \$4,414.88.
2. Loss of use in the amount of \$650.

By reason of all above, Plaintiff, has suffered losses and damages in a sum within the jurisdictional limits of the Court and for which this lawsuit is brought. Plaintiff is entitled to recover pre-judgment and post-judgment interest as provided by law.

PRAYER

WHEREFORE, PREMESIS CONSIDERED, Plaintiff respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against the Defendants for damages in an amount within the jurisdictional limits of this Court, together with pre-judgment and post-judgment interest as allowed by law, costs of court, and such other and further relief to which Plaintiff may be entitled, at law or in equity.

Respectfully submitted,

/s/ Jacquelyn Trevino

Jacquelyn O. Trevino
Assistant General Counsel
Webb County Civil Legal Division
1000 Houston St., 2nd Floor
Laredo, Texas 78040
(956) 523-4613
jactrevino@webbcountytexas.gov