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

|  |  |  |
| --- | --- | --- |
| YESHIMEBET KEBEDE ALI, Plaintiff, vs.CHRISTINE MICHELLE JACKSON, Defendant.  | § § § § § § § § §§  | IN THE DISTRICT COURT OF    TRAVIS COUNTY, TEXAS  \_\_\_\_\_\_\_\_JUDICIAL DISTRICT |

**PLAINTIFF’S ORIGINAL PETITION AND RULE 194 REQUEST FOR DISCLOSURES**

**COMES NOW,** Plaintiff, Yeshimebet Kebede Ali, by and through her counsel, and files Plaintiff’s Original Petition and Request for Disclosures against Defendant, Christine Michelle Jackson , complaining of various acts and omissions and for her causes of action against the above-named Defendant would show the Court and jury as follows:

1. **DISCOVERY LEVEL**
	1. Plaintiff intends to conduct discovery under discovery **Level 2 of the Texas Rule of Civil Procedure 190.3** and affirmatively pleads that this suit is not governed by the expedited-actions process in Texas Rule of Civil Procedure 169 because Plaintiff seeks monetary relief over $250,000.00.
2. **JURISDICTION AND VENUE**

2.1 Jurisdiction is proper in Texas because both Plaintiff and Defendant are residents of Texas.  Additionally, the amount in controversy, exclusive of interest and costs, does not exceed the maximum jurisdictional limits of this Court.

2.2     Venue is proper in Travis County, Texas, because no mandatory venue provisions apply, and Travis County, Texas, is the county where all or a substantial part of the events or omissions giving rise to the claim occurred. Specifically, it is the location of the collision.

1. **CLAIM FOR RELIEF**
	1. Plaintiff seeks monetary relief over $250,000 but not more than $1000,000.
2. **PARTIES**

4.1 Yeshimebet Kebede Ali (hereinafter “Plaintiff”) is an individual who resides in Williamson County, Texas.

4.2 Christine Michelle Jackson (hereinafter “Defendant”) is a resident of Travis County, Texas and can be served at 1300 Sweet William Ln, Pflugerville, TX 78660-0000, or wherever she may be found.

**V. STATEMENT OF FACTS**

5.1 This lawsuit results from an automobile collision that occurred on August 23, 2020 in Austin, Texas. Plaintiff was traveling on I-35 on a middle lane near downtown Austin, Texas. Plaintiff was traveling to her home. Plaintiff slowed down for traffic.

5.2 Defendant Jackson was traveling directly behind Plaintiff. Defendant was driving too fast for conditions. Defendant Jackson failed to stop and collided with the rear end of Plaintiff’s vehicle.

5.3 Due to Defendant’s negligence, Plaintiff suffered bodily injury.

 **VI.     CAUSATION**

6.1 These acts and/or omissions by the Defendant were a proximate cause of the wreck and the damages suffered by Plaintiff.

**VII.     CAUSES OF ACTION**

**NEGLIGENCE**

7.1 Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

7.2 Defendant owed Plaintiff a duty to exercise ordinary care under the circumstances. Defendant created grave danger by failing to maintain a proper following distance, failing to control her speed and vehicle, failing to maintain her vehicle in a safe operating condition, and failing to exercise ordinary care to protect Plaintiff from harm. Consequently, Defendant’s failure to use ordinary care proximately caused Plaintiff’s injuries and damages.

7.3 On the occasion in question, Defendant violated the duty owed to Plaintiff to exercise due care in one or more of the following ways:

a. Failing to maintain a proper following distance, TEX. TRANSP. CODE § 545.062;

b. Failure to control a speed; TEX. TRANSP. CODE § 545.351;

c. Failure to maintain a proper lookout;

d. Failure to maintain her vehicle in safe driving condition;

e. Failure to drive the motor vehicle in an attentive manner;

f. Failure to maintain proper control of her vehicle;

g. Failure to maintain an adequate distance between Defendant’s vehicle ­and the vehicle driven by Plaintiff;

h. Failure to take proper evasive action to avoid the collision;

i. Failure to apply brakes to her vehicle in a timely manner to avoid the collision;

j. Failure to exercise due and reasonable care to other travelers on the road;

k. Failure to follow the rules of the road; and

l. Any and all other acts or omissions that may be presented at the time of trial.

7.4 Each of these acts and omissions, singularly or in combination with others, constituted negligence which proximately caused the collision and Plaintiff’s injuries and damages.

**VIII.  DAMAGES**

8.1 As a proximate result of the Defendant’s negligence, Plaintiff has sustained the following damages:

a. Past and future physical pain and suffering;

b. Past and future mental anguish;

c. Physical disfigurement;

d. Past and future loss of earnings;

e. Past and future medical expenses;

**IX.     PRE-JUDGMENT INTEREST**

 9.1 Plaintiff is entitled to pre-judgment interest on all damages ultimately awarded as a result of the subject accident from the date any such damages were incurred.

**X. PRESERVATION OF EVIDENCE**

10.1 Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

10.2 Plaintiff demands that the Defendant preserves and maintains all evidence pertaining to any claim or defense related to the incident that made the basis of this lawsuit, or damages resulting therefrom, including but not limited to photographs, videotapes, audiotapes, recordings, business or medical records, bills, estimates, invoices, checks, receipts, measurements, inspections, files, facsimiles, emails, voicemails, text messages, investigations, cellular phone records, calendar entries, any electronic images, data, or information related to the Defendant, the referenced incident, and any damages resulting therefrom.

**XI. NOTICE OF INTENT TO USE PRODUCED DOCUMENTS**

11.1 Pursuant to TEX. R. CIV. P. 193.7, Plaintiff hereby notifies Defendant of Plaintiff’s intent to use all documents exchanged and produced between the parties, including but not limited to: correspondence, discovery responses, and deposition testimony and/or exhibits during the trial of this matter and in any motions for summary judgment.

**XII. NOTICE OF INTENT TO USE EVIDENCE OF CONVICTIONS**

12.1 Pursuant to TEX. R. EVID. 609(f), Plaintiff hereby notifies Defendant of her intent to use evidence of Defendant’s criminal convictions, if any, at the time of trial.

**XIII.   REQUEST FOR DISCLOSURE**

13.1 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiff requests Defendant to disclose, within 50 days of service of this request, the information and materials described in Rule 194.2 (a) – (f) of the Texas Rules of Civil Procedure.

**XIV. PRAYER**

14.1 **WHEREFORE,** Plaintiff prays for judgment against Defendant as follows:

1. For medical and other treatment expenses, past, present, and future in an amount to be proven at the time of trial.
2. For past and future physical and mental pain and suffering, disfigurement, impairment of ability and capacity to enjoy life, and other general damages, in an amount to be proven at the time of trial.
3. For past and future wage loss.
4. For interest on all damages from the dates incurred.
5. For costs and disbursements incurred herein, including statutory attorney's fees.
6. For such other and further relief as the Court deems just and equitable.

**DATED** this 15th day of July 2022.

Respectfully Submitted,

HABTEMARIAM LAW FIRM, PLLC.

/s/ Neftalem Habtemariam

 **Neftalem Habtemariam**

 Texas Bar No. 24111396

neftalem@habtemariamlaw.com

12225 Greenville Ave, Ste. 252

Dallas, TX 75243

Phone: (206) 624-1820

Fax: (206) 717-7093

ATTORNEY FOR PLAINTIFF