

IVAN PINNEY § IN THE DISTRICT COURT  
§  
§  
VS. § OF DALLAS COUNTY, TEXAS  
§  
LANCE BROADWAY AND CAMERON §  
MCGUIRE § JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

IVAN PINNEY complaining of LANCE BROADWAY and CAMERON MCGUIRE and would show as follows:

**I. DISCOVERY TRACK**

1.1 Plaintiff pleads that this case should be assigned to Discovery Track Three, pursuant to Rule 190.4 of the Texas Rules of Civil Procedure, and will seek an agreed order or other court order to this effect.

**II. PARTIES**

2.1 Plaintiff Ivan Pinney is an individual who is a citizen and resident of Montgomery County, Texas.

2.2 Defendant Lance Broadway is an individual who is a citizen and resident of Tarrant County, Texas. Defendant Lance Broadway may be served with process at his permanent address at [REDACTED]

2.3 Defendant Cameron McGuire is a resident of Dallas County, Texas. Defendant Cameron McGuire may be served with process at his permanent address at [REDACTED]

**III. JURISDICTION AND VENUE**

3.1 This Court has subject matter jurisdiction over this controversy because the damages are within it jurisdictional limits.

3.2 Venue is proper in Dallas County, Texas. Specifically, venue is proper under Texas Civil Practices & Remedies Code §15.002(a)(1) because all or substantial part of the events or omissions giving rise to the claim occurred in Dallas County. Venue is also proper in Dallas County under Texas Civil Practices & Remedies Code §15.002(a)(2) because Defendant McGuire is a citizen of Dallas County at the time of this cause of action accrued.

3.3 Although the claims of the Plaintiff exceed \$75,000, jurisdiction would not be proper in federal court, because the petition includes a claim between citizens of Texas and does not raise any issues of Federal question as Plaintiff expressly disavows any claims are being made pursuant to federal law, treaties, or constitution. Removal of this action, therefore, would be improper.

3.4 Pursuant to Texas Civil Practices & Remedies Code §15.005 Harris County is the proper venue as to all defendants.

**IV. GENERAL ALLEGATIONS OF FACTS**

4.1 On January 1, 2010 Ivan Pinney ("PINNEY") was attending a New Year's Eve party at the Pegasus Lounge located in downtown Dallas. PINNEY was attacked by Lance Broadway ("BROADWAY") who blindsided PINNEY as he was looking away from him. BROADWAY took a running start and punched PINNEY on the left side of his face around his left eye socket. As a result of the brutal hit, PINNEY fell on one knee and his head dropped

forward. As PINNEY was slumped on one knee, Cameron McGuire ("MCGUIRE") kicked PINNEY in the face. PINNEY did not pose a threat to either BROADWAY or MCGUIRE and due to the "ambush" nature of the attack he was unable to defend himself.

4.2 As a result of the attack, PINNEY has suffered from several broken bones in his face and has lost vision in his left eye.

**CLAIMS AGAINST BROADWAY AND MCGUIRE**

**V. ASSAULT - INFLICTION OF BODILY INJURY**

5.1 During the attack on PINNEY both BROADWAY and MCGUIRE acted intentionally, knowingly and/or recklessly. Both BROADWAY and MCGUIRE made direct contact with PINNEY'S person. The contact caused serious bodily injury to PINNEY.

**VI. PARTICIPATORY LIABILITY - AIDING & ABETTING**

6.1 During the attack on PINNEY both BROADWAY and MCGUIRE acted in concert to inflict bodily injury on PINNEY. Both Defendants, acted together to inflict harm on PINNEY. Both BROADWAY and MCGUIRE are jointly and severally liable for each other actions.

**VII. ACTUAL DAMAGES**

7.1 PINNEY was seriously injured in the above-described attack. As a result thereof he has sustained past and future:

- 1. Medical and nursing care expenses;
- 2. Lost earnings or loss of wage-earning capacity;
- 3. Physical pain and mental anguish;
- 4. Physical impairment and mental incapacity; and

- 5. Disfigurement.

**VIII. EXEMPLARY DAMAGES**

8.1 Due to the malicious nature of their conduct BROADWAY and MCGUIRE should have punitive damages assessed against them, as a deterrent to such future bad conduct and as a punishment for their bad acts, in an amount to be determined by the fact finder.

**IX. PRE-JUDGMENT AND POST-JUDGMENT INTEREST**

9.1 Plaintiff seeks pre-judgment and post-judgment interest as provided by law.

**X. CONDITIONS PRECEDENT**

10.1 All conditions precedent to Plaintiff's right to recover and Defendants' liability have been performed or have occurred.

**XI. REQUESTS FOR DISCLOSURE**

11.1 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiff requests that Defendants disclose, within 50 days of service of this request, the information and material described in Rule 194.2 of the Texas Rules of Civil Procedure.

**XII. PRAYER**

12.1 Plaintiff prays that Defendants be cited to appear and answer herein and that Plaintiff recover judgment of and from Defendants for their actual and exemplary damages, in such amount as the evidence shows and the fact finder determines to be proper, together with pre-judgment interest and post-judgment interest, costs of suit, and such other and further relief to which Plaintiffs may show themselves to be entitled, whether at law or in equity.

Respectfully submitted,  
ABRAHAM, WATKINS, NICHOLS, SORRELS, AGOSTO & FRIEND

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