

CAUSE NO. _____

PATSY MOON,
Plaintiff

V.

LA MADELEINE, INC.
Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION,
REQUEST FOR DISCLOSURE AND JURY DEMAND

TO THE HONORABLE COURT:

Plaintiff Patsy Moon files this Original Petition and for cause of action shows as follows:

I. PARTIES

Plaintiff Patsy Moon is an individual residing in Fort Bend County, Texas.

Defendant La Madeleine, Inc. is a corporation registered in the State of Texas and may be served through its registered agent Harry J. Martin, Jr. at 12201 Merit Dr, Suite 900, Dallas, Texas 75251.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this matter as the amount in controversy is within the jurisdictional limits of this Court.

Venue is proper in this Court in that all or most of the acts giving rise to this case occurred in Harris County, Texas.

III. DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Discovery Control Plan Level II pursuant to Texas Rules of Civil Procedure 190.3.

IV. FACTUAL BACKGROUND

In June of 2009, Ms. Moon was seriously burned while dining at La Madeleine's Rice Village location. Ms. Moon was seated in the restaurant with family when defendant's employee spilled scalding hot coffee and soup on her. Ms. Moon was instantly burned and experienced intense pain. Her injuries were so bad that she was required to seek emergency room attention as well as follow up with visits to her doctors.

For many months afterwards, Ms. Moon continued to suffer serious pain. She was also scarred and disfigured by the burns. She was unable to continue her normal day-to-day tasks and was forced to miss important family functions as a result of her injuries. For example, Ms. Moon was not able to attend an event at the NFL Hall of Fame with her brother, quarterback Warren Moon, because of the pain the burns were causing her.

As a result of defendant's negligence, Ms. Moon has been damaged.

V. CAUSES OF ACTION

1. Negligence and Gross Negligence

Defendant was negligent in the manner in which it oversaw its staff and in the manner in which it served food. Defendant was negligent in spilling hot coffee and soup onto Plaintiff.

As a result of Defendant's negligence, Plaintiff was damaged. Defendant's callous and reckless disregard of Ms. Moon's health and safety, as well as the health and safety of others in the restaurant, warrants the imposition of punitive damages.

2. Premises Liability

Ms. Moon was an invitee onto the premises managed by Defendant. Defendant breached its duty to Ms. Moon by failing to make the premises reasonably safe and thereby proximately caused Ms. Moon's damages.

JURY DEMAND

Plaintiff hereby requests a trial by jury and tenders the appropriate fee.

REQUESTS FOR DISCLOSURE AND OTHER DISCOVERY

Plaintiff requests that Defendant disclose all information and documents listed in Tex. R. Civ. P. 194.2(a)-(k) no later than 50 days from being served with citation.

PRAYER

For these reasons, Plaintiff asks for judgment against Defendant for past and future pain and suffering, past and future mental anguish, past and future disfigurement, past and future medical expenses damages, personal property damages, punitive damages, prejudgment and post-judgment interest, costs of suit, and all other relief to which she may show herself to be justly entitled.

Respectfully submitted,

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Unofficial Copy Office of Loren Jackson District Clerk