

CAUSE NO.: _____

ALEJANDRA DOMINGUEZ, JUAN	§	IN THE DISTRICT COURT OF
GUAJARDO, LITZY LOPEZ, RAFAEL	§	
ESPINOZA, LIZETH GUAJARDO, AND	§	
MARIA DELCARMEN ESPINOZA,	§	
INDIVIDUALLY AND AS REPRESENTATIVE	§	HARRIS COUNTY, TEXAS
OF THE ESTATE OF RAFAEL ESPINOZA	§	
<i>Plaintiffs,</i>	§	
	§	
VS.	§	_____ JUDICIAL DISTRICT
	§	
ORION MARINE CONSTRUCTION, INC	§	
<i>Defendants.</i>	§	JURY TRIAL DEMANDED

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Plaintiffs Alejandra Dominguez, Juan Guajardo, Litzy Lopez, Rafael Espinoza, Lizeth Guajardo and Maria Delcarmen Espinoza, individually and as representative of the Estate of Rafael Espinoza, deceased, complaining of Defendant Orion Marine Construction, Inc. for cause of action respectfully shows this Honorable Court the following:

I.

Discovery in this matter will be conducted pursuant to Level 2.

II.

Defendant Orion Marine Construction, Inc. is a foreign corporation doing business in the State of Texas. Defendant may be served with process, via certified mail, return receipt requested, by serving its registered agent for service of process in this State: Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

III.

Venue is proper in this county because Defendant's principal office in this state is located in this county. Section 15.002(3), Tex. Civ. Prac. & Rem. Code.

IV.

Plaintiff Rafael Espinoza was an American seaman and Plaintiffs bring this action pursuant to Title 46 U.S.C. § 688. As such, pursuant to Title 28 U.S.C. § 1916, Plaintiffs brings this action without the necessity of pre-payment of costs, fees or the necessity of furnishing security. This is a Jones Act wrongful death case, as well as a general admiralty law wrongful death case. Plaintiffs brings a claim for unseaworthiness. The injuries and resulting death occurred in territorial waters of the United States.

V.

At all times material hereto, Defendants Orion Marine Construction, Inc. and Orion Construction, L.P. owned and operated the Waymon L. Boyd, which was operating on navigable waters within the United States.

VI.

At all times material hereto, Plaintiff Rafael Espinoza was aboard the Vessel as an employee of Defendant, and was acting within the course and scope of their employment as a seaman in service of the Vessel.

VII.

On, or about, the morning of August 21, 2020, a fire started when the Vessel Waymon L. Boyd hit an underwater natural gas pipeline, causing a massive explosion that sent plumes of black smoke into the air. The fire ignited the vessel and spread from the pipeline to a nearby grain elevator.

As a result, Plaintiff was severely injured and/or killed. Plaintiffs bring claims for negligence and wrongful death pursuant to the Jones Act, and for unseaworthiness pursuant to General Admiralty Law.

VIII

By reason of the occurrence made the basis of this action, including the conduct on the part of the Defendant, Mr. Espinoza sustained severe bodily injuries, and later died. Mr. Espinoza suffered physical pain and mental anguish prior to his demise. His estate brings claims for his pre-death pain and suffering.

IX.

As a result of the foregoing injuries and death, the Plaintiffs suffered a pecuniary loss of financial support and contribution, pecuniary loss of services, pecuniary loss of inheritance, pecuniary loss of nurture, pecuniary loss of care, pecuniary loss of counseling, pecuniary loss of guidance, pecuniary loss of counsel, pecuniary loss of training, and pecuniary loss of education, the decedent's pre-death pain and suffering, funeral expenses, and pre-death medical expenses. Plaintiff makes claims for all pecuniary losses available under the law for beneficiaries in a wrongful death case.

X.

Pleading further, in the alternative, if it is shown that Mr. Espinoza was suffering from some pre-existing injury, disease and/or condition, then such was aggravated and/or exacerbated as a proximate result of the occurrences made the basis of this lawsuit.

XI.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray for judgment against Defendant in the amount of at least FIFTY MILLION AND NO/100THS (\$50,000,000.00), DOLLARS, plus pre- and post-judgment interest at the legal rate, for all costs of court, and all such other and further relief, at law and in equity, to which he may be justly entitled.

Respectfully submitted,

THE BUZBEE LAW FIRM

By: /s/ Anthony G. Buzbee

Anthony G. Buzbee

State Bar No. 24001820

tbuzbee@txattorneys.com

Christopher J. Leavitt

State Bar No. 24053318

cleavitt@txattorneys.com

JP Morgan Chase Tower

600 Travis, Suite 7300

Houston, Texas 77002

Telephone: (713) 223-5393

Facsimile: (713) 223-5909

ATTORNEYS FOR PLAINTIFFS

Unofficial Copy Office of Marilynn P. Sess District Clerk