

CAUSE NO. 2022CCV-61490-3

JANELL DONAHO

Plaintiff(s)

LORENA MANDUJANO AND
SERGIO MANDUJANO, INDIVIDUALLY
AND ON BEHALF OF THE ESTATE OF
BETSY MANDUJANO, DECEASED

Intervenor(s)

v.

FLATIRON/DRAGADOS, LLC,
RAILROAD SEAFOOD STATION, INC.
D/B/A RAILROAD SEAFOOD & BREWING
CO. AND ROXANNE PALACIOS,

Defendant(s)

IN THE COUNTY COURT

AT LAW NO. 3

NUECES COUNTY, TEXAS

**ORIGINAL PETITION IN INTERVENTION OF
LORENA MANDUJANO AND SERGIO MANDUJANO**

COME NOW, Lorena Mandujano and Sergio Mandujano, Individually and on Behalf of The Estate of Betsy Mandujano, Deceased, hereinafter referred to as “Intervenors” complaining of Defendants Flatiron/Dragados, LLC, Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. and Roxanne Palacios and would respectfully show the Court as follows:

I. DISCOVERY CONTROL PLAN

1.1 Intervenors intend to conduct discovery under Level 3 of the Texas Rule of Civil Procedure 190.4.

II. PARTIES

2.1 Intervenor Lorena Mandujano, Individually and on Behalf of The Estate of Betsy Mandujano, Deceased at all relevant times is a resident of San Patricio County, Texas. Intervenor

brings this survival action as the surviving biological mother Decedent, Betsy Mandujano. At the time of her death, Betsy Mandujano was a resident of Portland, San Patricio County, Texas.

2.2 Intervenor Sergio Mandujano, Individually and on Behalf of The Estate of Betsy Mandujano, Deceased at all relevant times is a resident of San Patricio County, Texas. Intervenor brings this survival action as the surviving biological father Decedent, Betsy Mandujano. At the time of her death, Betsy Mandujano was a resident of Portland, San Patricio County, Texas.

2.3 Plaintiff Janell Donaho is an individual and resident of Texas.

2.4 Defendant Roxanne Palacios is an individual operating a motor vehicle on the roadway in the State of Texas at the time of the vehicle incident made the basis of this lawsuit and may be served with process by serving her at 11665 Chispa Creek Dr, Corpus Christi, Texas 78410.

2.5 Defendant FLATIRON/DRAGADOS, LLC, is a for profit foreign limited liability company registered in the State of Texas, operating in Nueces County, and may be served by serving its registered agent Corporation Service Company d/b/a CSC Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin Texas 78701.

2.6 Defendant RAILROAD SEAFOOD STATION INC., dba RAILROAD SEAFOOD & BREWING CO., is a for profit corporation headquartered and operating in the State of Texas, in Nueces County, and may be served by serving its registered agent Alex Hinojosa, located at 5417 Flynn Parkway, Corpus Christi, Texas 78411 or wherever he may be found.

III. JURISDICTION & VENUE

3.1 The Court has jurisdiction over this lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional requirements. Further, Defendants, by residing in and/or organizing and selling alcohol in and under the laws of the State of Texas, are subject to the personal jurisdiction of this Court.

3.2 Venue is proper in Nueces County, Texas, pursuant to Section 15.002 of the Texas Civil Practice & Remedies Code because the incident which forms the basis of this suit occurred in Nueces County, Texas.

IV. RULE 28 ASSUMED OR COMMON NAME

4.1 Defendants are sued under Rule 28 of the Texas Rules of Civil Procedure for purposes of bringing suit in its assumed or common names. In the event any parties are misnamed or are not included herein, it is Intervenor's contention that such was "misidentification", "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Intervenor contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

V. FACTS

5.1 This lawsuit becomes necessary in order for Intervenor to recover a legal debt as a result of damages for the wrongful death of Betsy Mandujano, Deceased, which occurred after Defendant Railroad provided, sold, or served alcoholic beverages to Defendant Palacios, while she was obviously intoxicated presenting a clear danger to herself and others. As a result of the fatal injuries Betsy Mandujano, Deceased sustained in a car wreck after Defendant Railroad Seafood & Brewing Co. provided, sold, or served Defendant Palacios, multiple alcoholic beverages, which occurred on or about November 2, 2022, in Nueces County, Texas.

5.2 In September of 2015, TxDOT hired Flatiron Dragados LLC as the main developer of the Harbor Bridge Project. At that time, the bridge was expected to be completed by 2020. In July of 2016, phase one of the construction project began. There were several hurdles the Harbor Bridge Project faced in the months and years to come. In 2018, safety concerns arose, and work was suspended on the Harbor Bridge Project by TxDOT. TxDOT instructed Flatiron Dragados to

remove their engineering firm, FIGG Bridge Engineers, Inc. after it was found that a Florida bridge which had been engineered by FIGG collapsed and killed 6 people. In July of 2020, Flatiron hired Arup-CFC to review, re-certify and complete the design of the new Harbor Bridge. The COVID-19 pandemic caused further delays in construction and at that time, TxDOT and Flatiron Dragados told city leaders the bridge was expected to be finished in the summer of 2024 – four years behind the original schedule and it would cost more to complete. In July of 2022, TxDOT ordered Flatiron Dragados to suspend work on the bridge due to safety concerns and design flaws. In August 2022, TxDOT gave Flatiron Dragados 15 days to fix the design flaws with the bridge or TxDOT will fire them. During the first week of October, a deal between TxDOT and Flatiron Dragados was made to forward on construction.

5.3 On November 2, 2022, Defendant Flatiron Dragados held a company sponsored event at Railroad Seafood & Brewing Co. located at 1214 N. Chaparral St., Corpus Christi, Texas. This event was in celebration of the deal made with TxDOT to resume work on the bridge and Defendant ROXANNE PALACIOS, in the course and scope of her employment with Flatiron Dragados as their DBE Manager, was in attendance along with the other administrative employees of Flatiron. Flatiron Dragados allegedly provided alcoholic beverage vouchers to employees for this gathering.

5.4 On or about the evening of November 2, 2022, Defendant Palacios was overserved alcohol while she was obviously intoxicated by Defendant Railroad Seafood & Brewing Co. and its employees at Defendant Flatiron Dragados' sponsored event. Defendant Palacios then drove away from Railroad Seafood & Brewing Co. located at 1214 N Chaparral St, Corpus Christi, TX 78401. Defendant Railroad, both on November 2, 2022 and since, was a provider of alcoholic beverages under the Texas Dram Shop statute Tex. Code Ann. §2.02 (b)(1).

5.5 Roxanne Palacios was allegedly observed by fellow Flatiron Dragados employees to be obviously heavily intoxicated to the extent that she presented a clear danger to herself and others after being overserved intoxicating beverages by Railroad Seafood & Brewing Co., Palacios was directed by other employees to hand over her keys after she demonstrated to them that there was an inherent risk to serious harm herself and others, being too drunk to drive in her condition.

5.6 Railroad Seafood & Brewing Co., while observing the same, never cut her off from service. Railroad Seafood & Brewing Co., never attempted to intervene and prevent her from having the ability to operate a motor vehicle. Failing to stop her, seek help, detain her, call an Uber ride or call the police, they let her go. Shortly before 7:20 p.m., Palacios exited the establishment and proceeded out of the parking lot in her 2021 Chevrolet Traverse. On information and belief on November 2, 2022, Palacios traveled westbound on Belden Street and turned northbound on Tancahua Street. Palacios then turned on to Power Street and entered the wrong way onto the southbound lanes of the Harbor Bridge going northbound.

5.7 According to the arrest affidavit, the officer on scene who first made contact with Palacios said there was a “strong odor of intoxicating beverage about her person”. Palacios was taken to Spohn Shoreline for her injuries and blood was drawn. Hospital staff told officers there was ethanol in her system at the time of the crash. Palacios was arrested on Sunday, November 13, 2022, on two counts of intoxication manslaughter and one count of intoxication assault with a vehicle causing significant bodily injury.

5.8 As a provider of alcoholic beverages, Railroad Seafood & Brewing Co., by and through its agent John/Jane Doe Bartenders, and/or others, served an excessive number of alcoholic beverages to Defendant Palacios, even though it was apparent to Railroad Seafood & Brewing Co., through its agents and/or others, that Roxanne Palacios was obviously intoxicated to

the extent that she presented a clear danger to herself and others. After Railroad Seafood & Brewing Co., by and through its agent John/Jane Doe Bartenders, and/or others (hereinafter collectively referred to as “Railroad Servers”), chose to provide substantial amounts of alcohol to Defendant Palacios, rather than refusing the service, sale, calling the police or offering another method of transportation, Railroad Seafood & Brewing Co., by and through their servers, allowed Defendant Palacios to leave its establishment on the evening of November 2, 2022, in her 2021 Chevrolet Traverse in the parking lot of Railroad’s and drive away.

5.9 As a result of her grossly intoxicated state, Palacios recklessly and at an excessive rate of speed violently collided head on with the 2013 Mazda sedan Betsy Mandujano was a passenger in traveling over the crest of the bridge southbound. The collision was caused by Palacios’ highly intoxicated state that rendered her unable to control her rate of speed, properly maneuver her vehicle or even appreciate the risks involved in her actions. As a result of the collision, Mathew Banda and Betsy Mandujano sustained severe bodily injuries which resulted in their untimely death.

VI. CAUSE OF ACTION AGAINST DEFENDANT RAILROAD SEAFOOD & BREWING CO.

6.1 Defendant Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. provided, sold, or served alcoholic beverages to Roxanne Palacios and continued to provide, sell or serve alcoholic beverages to Palacios after it was apparent or should have been apparent to Defendant Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. and its employees that Palacios was obviously intoxicated to the extent that he presented a clear danger to herself and others. Defendant Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. violated TEX. ALC. BEV. CODE Sec. 2.02 et seq., by knowingly selling alcoholic beverages to Palacios when she was obviously intoxicated.

6.2 In continuing to provide, sell or serve Palacios despite her obvious intoxication, Defendant Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. was negligent under Texas law. This negligence was a proximate cause of Betsy Mandujano's severe injuries that led to her tragic death. Defendant Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. was negligent in one or more of the following particulars:

- a) Serving alcoholic beverages to a person who manifested obvious signs and typical symptoms of intoxication;
- b) Failing to properly educate employees on how to react and deal with obviously an intoxicated person;
- c) Failing to enforce the requirements of Texas law prohibiting the serving of alcohol to intoxicated persons;
- d) Failing to properly supervise, train, and/or offer classes to its employees concerning the number of drinks served to a person or when to stop serving a patron additional drinks;
- e) Allowing, permitting, and encouraging its employees to violate one or more provisions of the Texas Alcoholic Beverage Code.

6.3 Each of the forgoing negligent acts and omissions, singularly or collectively, constituted negligence which proximately caused the occurrence made the basis of the cause of action and the resulting damages suffered by Intervenors.

6.4 Defendant Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. violated TEX. ALC. BEV. CODE Sec. 2.02 et seq., by knowingly selling alcoholic beverages to Roxanne Palacios when she was obviously intoxicated. Said intoxication was a proximate cause of the wrongful death of Betsy Mandujano referred to herein.

VII. CAUSE OF ACTION AGAINST DEFENDANT FLATIRON/DRGADOS, LLC

7.1 Defendant FLATIRON/DRAGADOS, LLC., is a company that provides safety sensitive services through the operation of equipment labor in high-risk environments. FLATIRON/DRAGADOS, LLC., is familiar with safety regulations governing the safe operation of harbor bridge construction.

7.2 On the occasion in question and immediately prior thereto, ROXANNE PALACIOS was engaged in the furtherance of the business interests of FLATIRON/DRAGADOS, LLC., and/or was performing a special mission on behalf of that employer.

7.3 The occurrence made the basis of this suit, reflected in the above paragraphs, and the resulting injuries and damages of Intervenors were proximately caused by the negligent conduct of FLATIRON/DRAGADOS, LLC., who violated duties which it owed the Intervenors and others to exercise ordinary care in the operation of its business and directives to its employee, especially when it effects the safety of the public.

7.4 FLATIRON/DRAGADOS, LLC., was also independently negligent in one or more of the following respects:

- a) Negligent hiring of ROXANNE PALACIOS;
- b) Negligent work assignment of ROXANNE PALACIOS;
- c) Negligence in vetting driver qualifications;
- d) Negligence in the training and supervision of ROXANNE PALACIOS;
- e) Negligent retention of ROXANNE PALACIOS;
- f) Negligent undertaking of a special mission;
- g) Negligently placing employee ROXANNE PALACIOS on a special mission

for the benefit of the company knowing the she was unqualified and thus incompetent on a special mission that involved the consumption of alcohol, and that such incompetence could in all likelihood cause serious injury to others in the event of a crash like that which occurred;

- h) Negligent monitoring of control persons (managers/supervisors);
- i) Failure to implement adequate policies and training to address the dangers of performing a special mission that involved alcohol consumption, managing overconsumption of alcohol during a special mission; and
- j) Failing to implement adequate safety programs for the prevention of collisions in violation of fleet industry standards;

7.5 As described herein, Defendant FLATIRON/DRAGADOS, LLC., was negligent in its own right on the occasion in question, and such direct negligence was a proximate cause of Intervenor's injuries and damages.

7.6 Each of these acts and/or omissions, whether taken singularly or in any combination, constitute negligence and negligence per se which was a proximate cause of the collision and resulting injuries and damages as specifically set forth herein, all of which Intervenor has suffered and will continue to suffer indefinitely in the future, if not for the remainder of Intervenor's natural life.

7.7 Defendant had actual subjective awareness of the risks involved with the special mission, which would likely involve intoxication from alcohol consumption., but nevertheless proceeded with conscious indifference to the rights, safety or welfare of Betsy Mandujano, Deceased and others with substantial certainty risk that Defendant's conduct would injure Betsy

Mandujano, Deceased and others. Defendant's, grossly negligent conduct includes, but is not limited to, the following:

- a) Failing to adopt, implement and enforce limitation of alcohol consumption on the special mission by Roxanne Palacios and others.
- b) Failing to provide Roxanne Palacios and others training regarding the consumption of alcohol during a special mission for the company and risks of harm involved. Without the appropriate training and qualification involving the operation of a motor vehicle on a public road while on a special mission that including definitions of alcohol consumption, carried with it an extreme degree of risk, considering the probability and magnitude of potential harm to others and that Flatiron/Dragados, LLC., had actual subjective awareness of the extreme risks involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of Betsy Mandujano, Deceased and other.
- c) Failing to monitor the vehicle and Roxanne Palacios' operation of the motor vehicle while on a special mission on the public road knowing there would transportation involved with alcohol consumption, carried with it an extreme degree of risk, considering the probability and magnitude of potential harm to others and that Flatiron/Dragados, LLC., had actual subjective awareness of the extreme risks involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of Betsy Mandujano, Deceased.
- d) Failing to stop Roxanne Palacios' operation of the motor vehicle while on a special mission after alcohol consumption knowing she was obviously intoxicated to the extent that she resented a clear danger to herself and others,

carried with it an extreme degree of risk, considering the probability and magnitude of potential harm to others and that Flatiron/Dragados, LLC., had actual subjective awareness of the extreme risks involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of Betsy Mandujano, Deceased.

Knowing:

- a) That Roxanne Palacios was operating a motor vehicle on a special mission that involved alcohol consumption and created an extreme danger and risk of injury or death;
- b) That Roxanne Palacio was never trained on risks involved and how to manage the circumstances of a special mission, which would likely involve intoxication from alcohol consumption created an extreme danger and risk of injury or death;
- c) That Roxanne Palacios operating motor vehicles while on a special mission after she was observed to be obviously intoxicated to the extent that she presented a clear danger to herself and others created an extreme danger and risk of injury or death; and
- d) That failing to stop Roxanne Palacios from operating motor vehicles while on a special mission after she was observed to be obviously intoxicated to the extent that she presented a clear danger to herself and others created an extreme danger and risk of injury or death;

7.8 Intervenor would show unto the Court with clear and convincing evidence that at the time of the occurrence in question, the conduct of Defendant FLATIRON/Dragados, LLC.,

when viewed objectively from the standpoint of FLATIRON/DRAGADOS, LLC., given the nature of its business and the circumstances, knew that the specific consequences of its actions would be serious injury to Betsy Mandujano, Deceased.

VIII. CAUSES OF ACTION AGAINST ROXANNE PALACIOS

8.1 The occurrence described in this petition is the direct and proximate result of the negligence of Defendant, in one or more of the following respects:

- a) driving the wrong direction on a one-way road
- b) driving a motor vehicle under the influence of alcohol
- c) driving at an unsafe speed
- d) in failing to keep a proper lookout or such lookout as a person of ordinary prudence would have maintained under the same or similar circumstances;
- e) colliding with Banda's vehicle.

8.2 Each of the above and foregoing acts and/or omissions of Defendant Palacios taken singularly or in combination, constitutes negligence which proximately caused Mandujano's injuries and untimely death.

IX. GROSS NEGLIGENCE

9.1 The wrongful conduct of Defendants Flatiron/Dragados, LLC, Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. and Roxanne Palacios involved more than momentary thoughtlessness, inadvertence, or error of judgment. Rather, their conduct constituted a heedless, reckless and wanton disregard for the rights, welfare, or safety of Intervenor, and the public at large. Defendants Flatiron/Dragados, LLC, Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. and Roxanne Palacios' conduct involved an extreme degree of risk,

considering the probability and magnitude of the potential harm to others. Defendants Flatiron/Dragados, LLC, Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. and Roxanne Palacios had actual, subjective awareness of the risk involved, but, nevertheless, proceeded with conscious indifference to the rights, safety, or welfare of others. As such, Defendants Flatiron/Dragados, LLC, Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. and Roxanne Palacios' conduct constituted gross negligence.

X. RESPONDEAT SUPERIOR

10.1 Defendant Flatiron/Dragados, LLC, Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. are legally responsible to the Intervenor for the negligent conduct of its employees and/or agents and/or servants, under the legal doctrines of respondent superior and agency, because Defendant Flatiron/Dragados, LLC, Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co.'s servers were at all times material hereto an agent, ostensible agent, servant and/or employee of Defendants and were within the general authority of said Defendants and were acting within the course and scope of such agency or employment. As a result, Defendants Flatiron/Dragados, LLC, Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. are vicariously liable for all actions of its employees and/or agents under the legal doctrines of respondent superior.

XI. VICARIOUS LIABILITY

11.1 Pleading alternatively, Intervenor would show that Defendants Flatiron/Dragados, LLC and Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co.'s are liable for the damages and injuries which were caused by the negligence of Defendants, its employees, servants, agents and representatives. Defendants Flatiron/Dragados, LLC and Railroad Seafood Station, Inc.

d/b/a Railroad Seafood & Brewing Co.'s are liable for the acts or omissions of its employees, servants, agents, and any person on the job over whom Defendants retained control.

11.2 Defendants Flatiron/Dragados, LLC and Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co.'s had general authority over the manner, methods and procedures that officers, agents, employees, servants, representatives, or individuals used in carrying out assigned duties and it was done with the full authorization and/or ratification of said Defendants or it was done in the normal course and scope of employment of said Defendants' officers, agents, employees, servants, representatives or individuals. This right of control gives rise to a duty of care by Defendant Railroad Seafood Station, Inc. d/b/a Railroad Seafood & Brewing Co. to all managers, bartenders and servers. This right of control gives rise to a duty of care by Defendant Flatiron/Dragados, LLC to all officers, agents, employees, servants, representatives, or individuals.

XII. DAMAGES

12.1 Lorena Mandujano and Sergio Mandujano, the surviving mother and father of Betsy Mandujano bring this action as the proposed Administrator of her Estate. As a result of the conduct of the Defendants, Betsy Mandujano suffered multiple injuries which resulted in her death. Prior to her death, Betsy suffered pain and mental anguish. Lorena and Sergio on behalf of the Estate of Betsy Mandujano seek recovery for Decedent's pain and suffering and mental anguish prior to her death as well as all the funeral expenses resulting from this tragedy.

12.2 As a direct and proximate result of the aforementioned acts and omissions of negligence, Intervenor has sustained the following damages for which he is legally entitled to recover:

a. *Wrongful Death Damages*

- 1) Pecuniary loss in the past and future;
- 2) Loss of consortium, companionship and society in the past the future;
- 3) Mental anguish in the past and the future;
- 4) Loss of inheritance;
- 5) Loss of community estate and addition to estate; and
- 6) All other damages allowed by law and equity.

b. *Survival Damages*

- 1) Pain and mental anguish;
- 2) Medical expenses;
- 3) Funeral and burial expenses; and
- 4) All other damages allowed by law and equity.

12.3 As a proximate result of the actions and/or omissions of the Defendants, Intervenor will, in all probability, continue to suffer the above referenced damages in the future. In addition to these items of damages set forth above, Intervenor seeks all other damages to which he may be entitled, all of which have a reasonable pecuniary value within the jurisdictional limits of this Court, plus pre-judgment and post-judgment interest on said damages as provided by law, and costs of court.

XIII. EXEMPLARY DAMAGES

13.1 The above-referenced acts and/or omissions by constitute malice as that term is defined in Section 41.001(7) of the Texas Civil Practice and Remedies Code and gross negligence as the term is defined by Section 41.001(11).

13.2 The Defendants' acts or omissions described above, when viewed objectively from the standpoint of Defendants at the time of the act or omission, involved an extreme degree of risk, considering the probability of harm to Intervenor and others.

13.3 Defendants had actual, subjective awareness of the risk involved in the above-described acts and omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Intervenor and others.

13.4 The above acts and/or omissions were singularly and cumulatively the proximate cause of the occurrence in question and the resulting injuries and damage sustained by Intervenor.

13.5 Therefore, because of such acts of malice and gross negligence on behalf of Defendants, Intervenor sue for exemplary damages in an amount to be determined at trial.

XIV. STATEMENT ON MONETARY RELIEF

14.1 In accordance with Texas Rule of Civil Procedure 47(c), Intervenor seek monetary relief over \$1,000,000.00. Intervenor demand a judgment for all other relief to which they show themselves entitled to receive.

XV. JURY DEMAND

15.1 In accordance with Rule 216 of the Texas Rules of Civil Procedure, Intervenor request a jury trial and the appropriate jury fee has been paid to the Clerk.

XVI. CONDITIONS PRECEDENT

16.1 Intervenor state that all conditions precedents have been performed or have occurred or will have occurred at the time of a trial pursuant to Rule 54 of the Texas Rules of Civil Procedure.

XVII. RULE 193.7 NOTICE

17.1 Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Intervenor hereby give actual notice that any and all documents produced by any party will be used at any pretrial proceedings and/or at the trial in this matter.

XVIII. MANDATORY INITIAL DISCLOSURES

18.1 Defendants are requested to disclose the information and materials as required by Texas Rule of Civil Procedure 194.

PRAYER

WHEREFORE, Intervenor pray that Defendants be cited to appear and answer herein, and that upon final trial hereof, Intervenor recover from said Defendants a sum in excess of the minimum jurisdictional limits of the court, costs of Court, pre-judgment and post-judgment interest at the legal rate, and for any and all further relief, both general and special, legal and equitable to which Intervenor may be justly entitled. In accordance with Rule 47 of the Texas Rules of Civil Procedure, Intervenor seek monetary relief in excess of \$1,000,000.00.

Respectfully submitted,

SICO HOELSCHER HARRIS LLP

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ATTORNEYS FOR INTERVENORS

CERTIFICATE OF SERVICE

The undersigned attorney, as one of the attorneys of record for Intervenor certifies that a true and correct copy of the foregoing instrument was forwarded to all counsel of record in accordance with the Texas Rules of Civil Procedure on this the 5th day of January 2023.

/s/ *David E. Harris*
David E. Harris

Automated Certificate of eService

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Deandra Garcia on behalf of David Harris
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Associated Case Party: Flatiron/Dragados, LLC

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