

ROSS ALLEN, INDIVIDUALLY
AND AS REPRESENTATIVE OF
THE ESTATE OF HOWARD
BRYAN ALLEN

Plaintiff,

VS.

JACK DILLON YOUNG and
JOSEPH BENJAMIN YOUNG

Defendants.

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IN THE DISTRICT COURT OF

UVALDE COUNTY, TEXAS

38th JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Ross Allen (Ross or Plaintiff), Individually and as Representative of the Estate of Howard Bryan Allen (collectively, Plaintiffs) in the above entitled and numbered cause, complaining of and against Jack Dillon Young and Joseph Benjamin Young, Defendants herein, and for cause of action would respectfully show unto the Court and Jury the following:

A. DISCOVERY CONTROL PLAN AND DAMAGES CLAIMED

1. Plaintiff intends to conduct discovery under Level 3 of the Texas Rule of Civil Procedure 190.2. Plaintiff claims in excess of \$1,000,000 in damages.

B. REASON FOR FILING SUIT

2. Ross files this suit in an effort to hold Defendants financially accountable for their actions. He is certain that his father would want the Defendants to suffer financially for their wrongdoing. He is equally certain that his father would want Jack Dillon Young to be criminally prosecuted to the fullest extent allowed by law, but that, of course is the job of the Uvalde District Attorney. Ross knows his father, as an accountant, and a man of great faith, believed in holding people responsible for their actions morally as well as financially. This suit is the only

way for him to have control in order to accomplish both objectives on behalf of his father and the Estate. The State's job is to act on behalf of all the people of the State of Texas and Ross knows he can trust the State will respond accordingly, but feels strongly he can and will do all he can do to meet both of the stated objectives.

3. Texas is one of four states that do not have a statewide ban on texting and driving. Ross pleads to the Texas House of Representatives and the Senate to pass the no-texting-while-driving legislation currently being considered and that the Governor promptly sign the bill once it passes. It will save lives.

C. PARTIES

4. Ross Allen is an individual residing in Comal County, Texas. Howard Allen is his father.

5. The Estate of Howard Bryan Allen will be probated in Comal County, Texas. Howard Allen resided in Comal County at the time of his untimely death. Ross Allen is the named executor of the Estate pursuant to Howard Allen's will.

6. Jack Dillon Young is an individual residing in Uvalde County, Texas. He can be served with process at 98 E. Pendley Road, Leakey, Texas 78873 or wherever he may be found. He was the driver of the Chevy Truck that took the lives of thirteen people, including Howard Allen.

7. Joseph Benjamin Young is an individual residing in Uvalde County, Texas. He can be served with process at 98 E. Pendley Road, Leakey, Texas 78873 or wherever he may be found. He owned the truck driven by Jack Dillon Young.

D. JURISDICTION AND VENUE

8. This court has jurisdiction over all of the parties and the subject matter involved in this litigation because the amount in controversy is within the jurisdictional limits of the court.

9. Venue is proper in Uvalde County, Texas because the accident occurred in this County.

E. FACTS

Allegations Against Jack Dillon Young

10. On March 29, 2017, a bus carrying 14 senior congregants of the First Baptist Church of New Braunfels were lawfully traveling down U.S. 83 in Uvalde County. They had been at a choir retreat and were traveling home. Howard Allen was an occupant of the bus.
11. Jack Dillon Young was traveling the opposite direction on U.S. 83. For miles and miles, he had been swerving all over the road.
12. He was intoxicated as he was driving down the road. He had taken intoxicating prescription medicines and smoked marijuana. Marijuana was found in his vehicle following the accident.
13. He was texting at the time of the accident.
14. His Chevy Truck crossed the center line and hit the bus as it rounded a curve.
15. Howard Allen and twelve other passengers in the bus died as a result of the accident. One person sustained severe and disabling injuries.

Allegations Against Joseph Benjamin Young

16. Joseph Benjamin Young is Jack Dillon Young's father.
17. He owned the Chevy Truck driven by his son.
18. He was aware of his son's prescription drug and marijuana use. He was also aware of his propensity to text while driving.
19. Because of the dangerous driving attributes of his son, Joseph Benjamin Young should never have allowed his son to drive his truck.

F. CAUSES OF ACTION

Allegations Against Jack Dillon Young

Negligence

20. Jack Dillon Young was negligent for:

- a. Failing to maintain control of his vehicle;
- b. Failing to control speed;
- c. Failing to execute evasive action;
- d. Failing to stay in his lane of travel;
- e. Failing to keep a proper lookout; and
- f. Other acts deemed negligent.

21. Jack Dillon Young was also negligent because:

- a. He was texting at the time of the accident; and
- b. He was intoxicated.

Gross Negligence

22. Jack Dillon Young was grossly negligent. His conduct involved an extreme degree of risk and he had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of others.

23. He was grossly negligent for:

- a. Failing to maintain control of his vehicle;
- b. Failing to control speed;
- c. Failing to execute evasive action;
- d. Failing to stay in his lane of travel;
- e. Failing to keep a proper lookout;
- f. Other acts deemed negligent.

24. Jack Dillon Young was also grossly negligent because:

- a. He was texting at the time of the accident; and
- b. He was intoxicated.

Allegations Against Joseph Benjamin Young

Negligence

25. Joseph Benjamin Young was negligent because:

a. He allowed his son, Jack Dillon Young, to operate a vehicle owned by him even though he knew of his son's prescription and illicit drug use and propensity to text while operating the truck.

G. DAMAGES

26. Defendants' negligence and gross negligence was a proximate cause of the accident and of the following injuries and damages suffered by Plaintiffs:

- a. All pecuniary damages available under the law;
- b. All non-pecuniary damages available under the law;
- c. Loss of support;
- d. Loss of services of the decedent;
- e. Loss of nurture, guidance, care and instruction;
- f. Loss of society;
- g. Loss of inheritance;
- h. Pre-death pain and suffering;
- i. Emotional distress arising from the death of decedent;
- j. Loss of consortium; and
- k. Loss of love.

H. DEMAND FOR JURY

27. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

I. REQUEST FOR DISCLOSURE

28. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose, within fifty (50) days after service of this request upon each Defendant, the information or material described in Rule 194.2 (a) through (l).

J. PRAYER

29. For these reasons, Plaintiff asks that Defendants be cited to appear and answer herein and that Plaintiff has judgment against Defendants for the following:

- a. Actual damages;
- b. Punitive Damages;
- c. Costs of Court;
- d. Prejudgment and post-judgment interest; and,
- e. Any and all other further relief; be it general or special, at law or in equity, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

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