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MCLENNAN COUNTY
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JON R. GIMBLE
DISTRICT CLERK
Tiffany Crim

No. 2018-3177-3

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| ESTELA FAJARDO<br>Plaintiff | § | IN THE DISTRICT COURT |
| v. | § | |
| SOUTHWESTERN CORRECTIONAL, LLC, d/b/a LaSALLE CORRECTIONS, LLC, and d/b/a LaSALLE SOUTHWEST CORRECTIONS, and CHARIS KENDRICKS | § | 74TH JUDICIAL DISTRICT |
| Defendants | § | McLENNAN COUNTY, TEXAS |

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

1. ESTELA FAJARDO, Plaintiff, is an individual who resides in McLennan County, Texas.
2. Pursuant to Texas Civil Practice & Remedies Code §30.014, Plaintiff states that she does not have a Texas Driver's License and does not have a Social Security Number.
3. SOUTHWESTERN CORRECTIONAL, LLC, d/b/a LaSALLE CORRECTIONS, LLC, and d/b/a LaSALLE SOUTHWEST CORRECTIONS, Defendant (hereinafter "SOUTHWESTERN"), is a domestic limited liability company with its primary offices and place of business in Dripping Springs, Hays County, Texas. SOUTHWESTERN may be served with process by delivery of a citation and petition to its registered agent, Tim Kurpiewski, at its registered office, 26228 Ranch Road 12, Dripping Springs, Texas 78620.
4. CHARIS KENDRICKS, Defendant (hereinafter "KENDRICKS"), is a resident of McLennan County, Texas, and an employee of SOUTHWESTERN and at all times pertinent to this claim was acting in the course and scope of her employment with SOUTHWESTERN. KENDRICKS may be served with process by delivery of a citation and petition to her at her place of employment,
5. Venue is proper in McLennan County, Texas, pursuant to Texas Civil Practice & Remedies Code §15.002(a)(1), as the county in which all or a substantial part of the events or omissions giving rise to the claim occurred, and §15.002(a)(2), as the county of Defendant KENDRICKS residence, and §15.005, because venue is proper as to KENDRICKS and therefore as to SOUTHWESTERN.

6. Pursuant to TRCP, Rule 47[c][4], Plaintiff affirmatively states that she seeks monetary relief of over $200,000.00 but not more than $1,000,000.00.

7. Plaintiff requests that discovery be conducted pursuant to Texas Rules of Civil Procedure, Rule 190.3, so that a Level 2 Discovery Control Plan applies to this proceeding.

8. Plaintiff is currently confined at the McLennan County Jail located at Hwy 6 in McLennan County, Texas, and at all times pertinent to this lawsuit was confined at the Jack Harwell Detention Center, a private jail facility, in McLennan County, Texas. SOUTWESTERN is a Texas limited liability company which has contracted with McLennan County to operate the Jack Harwell Detention Center. At all times pertinent to this lawsuit, KENDRICKS was an employee of SOUTHWESTERN, and in the course and scope of her employment with SOUTHWESTERN at the Jack Harwell Detention Center, KENDRICKS was responsible for the care and supervision of Plaintiff and other individuals detained at that facility.

9. Beginning in November 2017 and continuing thereafter, KENDRICKS, while acting within the course and scope of her employment with SOUTHWESTERN, made inappropriate remarks of a sexual nature to Plaintiff, and on more than one occasion intentionally or knowingly made contact with Plaintiff's person, when KENDRICKS knew or reasonably should have believed that Plaintiff would regard the contact as offensive or provocative, thereby causing injury to Plaintiff. Plaintiff was emotionally and physically upset by the inappropriate touching of her body by KENDRICKS, and by the inappropriate remarks by KENDRICKS, and Plaintiff suffered embarrassment, humiliation, and mental anguish as a result of such contact and remarks, all of which were offensive and insulting.

10. SOUTHWESTERN, as the employer of KENDRICKS, is vicariously liable for the above-described conduct, all of which occurred while KENDRICKS was acting within the course and scope of her employment. KENDRICKS was charged by SOUTHWESTERN with, among other things, maintaining security at the Jack Harwell Detention Center, if necessary by using physical force and by physically searching detainees such as Plaintiff. The assaults complained of arose directly from and occurred in furtherance of the duties of KENDRICKS as an employee of SOUTHWESTERN. Additionally, SOUTHWESTERN ratified the conduct of KENDRICKS in that it became

aware of the conduct, knew the conduct would continue, did nothing to prevent such conduct in the future, and chose to retain KENDRICKS as an employee.

11. Plaintiff prays that upon final trial or hearing she be awarded her actual damages for mental anguish suffered as a result of the assaults described above, pre-judgment and post-judgment interest as allowed by law, costs of court, and such other and further relief to which Plaintiff may be justly entitled.

12. **REQUEST FOR DISCLOSURE. Pursuant to Texas Rules of Civil Procedure, Rule 194, SOUTHWESTERN CORRECTIONAL, LLC, d/b/a LaSALLE CORRECTIONS, LLC, and d/b/a LaSALLE SOUTHWEST CORRECTIONS, Defendant, is requested to disclose, within fifty (50) days of service of this pleading, the information and materials described in Texas Rules of Civil Procedure, Rule 194.2.**

13. **REQUEST FOR DISCLOSURE. Pursuant to Texas Rules of Civil Procedure, Rule 194, CHARIS KENDRICKS, Defendant, is requested to disclose, within fifty (50) days of service of this pleading, the information and materials described in Texas Rules of Civil Procedure, Rule 194.2.**

14. PRAYER. Plaintiff prays that upon final trial or hearing she be awarded her actual damages for mental anguish suffered as a result of the assaults described above, pre-judgment and post-judgment interest as allowed by law, costs of court, and such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

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