

NO. 20-003187-CV-272

ROBERT BEATTY AND	§	IN THE DISTRICT COURT
SUZANNE BEATTY	§	
<i>Plaintiffs</i>	§	
	§	BRAZOS COUNTY, TEXAS
VS.	§	
	§	
PEDRO DAMION PUGA	§	
<i>Defendant</i>	§	272 ND JUDICIAL DISTRICT

**DEFENDANT'S AMENDED ORIGINAL ANSWER,
DEMAND FOR JURY TRIAL AND
RQUEST FOR DISCLOSURE TO PLAINTIFFS**

TO THE HONORABLE JUSTICE OF SAID COURT:

COMES NOW, PEDRO DAMION PUGA, Defendant in the above-entitled and numbered cause and in answer to Plaintiff's Original Petition would respectfully show unto the Court as follows:

I.

Defendant generally denies the allegations of the petition and thus asserts the privilege of having such allegations proved by a preponderance of the evidence. Defendant will amend his Answer as necessary.

Defendant is alleging contributory negligence and negligence per se on the part of the Plaintiff.

II.

PEDRO DAMION PUGA, hereinafter referred to as Defendant, in this cause demands trial by jury pursuant to Rule 216, Texas Rules of Civil Procedure, and tenders the required fee.

III.

Pursuant to Rule 194 of the Texas Rules of Civil Procedure you are requested to disclose within 32-days the service of this request, the information or material described in Rule 194.2(a) through (m).

WHEREFORE, PREMISES CONSIDERED, Defendant prays that petitioner take nothing by reason of this suit, that the Defendant be discharged and that he go hence with his costs without delay, and for such other and further relief, both general and special, at law and in equity, to which he may show himself to be justly entitled.

Respectfully submitted,

GRIFFIN & GRIFFIN

MICHAEL J. GRIFFIN, III

SBN: 08463020

Michael@griffinandgriffin.us (no e-service)

MARILYN O. GRIFFIN

SBN: 08473290

Marilyn@griffinandgriffin.us (no e-service)

MAGNOLIA LANDMARK BLDG.

18230 FM 1488 Rd., Suite 330

Magnolia, Texas 77354
(713) 228-6568 Tel.
(713) 228-9900 Fax.
E-service: eservice@griffinandgriffin.us

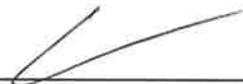
**ATTORNEYS FOR DEFENDANT
PEDRO DAMION PUGA**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel of record by certified mail, return receipt requested, e-service, e-mail, facsimile transmission, and/or hand delivered by messenger, on this the 5th day of October 2022, in compliance with Tex.R.Civ.P. 21:

Via Facsimile (972) 866-8378

Michael D. Stacy
JUNEAU, BOLL & STACY, PLLC
15301 Spectrum Dr., Suite 300
Addison, Texas 75001
Tel. (972) 866-8333



MICHAEL J. GRIFFIN, III
MARILYN O. GRIFFIN

NO. 20-003187-CV-272

**ROBERT BEATTY and
SUZANNE BEATTY**

Plaintiffs

PEDRO DAMION PUGA

Defendant.

§
§
§
§
§
§
§

IN THE DISTRICT COURT

BRAZOS COUNTY, TEXAS

272nd JUDICIAL DISTRICT

PLAINTIFFS' FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiffs, **ROBERT BEATTY AND SUZANNE BEATTY**, who file this First Amended Petition, complaining of **PEDRO DAMION PUGA** (“Defendant” or “Defendant Puga”), and for cause of action would respectfully show the Court as follows:

I.
DISCOVERY CONTROL PLAN

1.01 Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiffs assert that discovery in this action is intended to be conducted under a Level Three discovery plan as detailed in Rule 190.4 of the Texas Rules of Civil Procedure.

II.
PARTIES

2.01 Plaintiff **ROBERT BEATTY** is an individual citizen residing in Frisco, Collin County, Texas. He is the surviving father of **CARLYNN BEATTY**, Deceased. The last three digits of his Social Security Number are 711. The last three digits of his driver’s license are 791.

2.02 Plaintiff **SUZANNE BEATTY** is an individual citizen residing in Frisco, Collin County, Texas. She is the surviving mother of **CARLYNN BEATTY**, Deceased. The last three digits of her Social Security Number are 728. The last three digits of her driver’s license are 377.

2.03 Defendant, PEDRO DAMION PUGA, is currently an inmate in the Lynchner Facility, Harris County, Texas. Defendant has been served and has entered an appearance herein.

III.
JURISDICTION AND VENUE

3.01 The Court has personal jurisdiction over all parties because all are Texas residents and Defendant has committed torts in Texas. This Court has subject matter jurisdiction over all claims asserted in this action because they are recognized common law and statutory causes of action existing under Texas law, and Plaintiffs seek damages that are within the jurisdictional limits of this court. Venue is proper in Brazos County, Texas pursuant to Section 15.002 of the Texas Civil Practice and Remedies Code, as it is the county in which the occurrence made the subject of this cause of action occurred.

IV.
FACTUAL SUMMARY

4.01 In the early morning hours of September 14, 2019, Defendant Puga was operating a 2000 Nissan Pathfinder around College Station, Texas, while on cocaine, xanax, marijuana and alcohol. Defendant Puga was driving so erratically that another driver called 911 to report a suspected drunk driver. Shortly thereafter, Mr. Puga drove his vehicle up and onto a curb on Texas Avenue and violently struck Texas A&M sophomore Carlynn Beatty.

4.02 Defendant Puga fled the scene, leaving Carlynn for dead. A Good Samaritan led police to Defendant Puga. When approached by police, Defendant Puga ran off in an attempt to escape arrest. When officers caught him, Defendant Puga told them that he doesn't deal with the laws and that he would've outrun them if he hadn't been high on cocaine and Xanax.

4.03 Carlynn was transported by ambulance to St. Joseph Hospital in Bryan. Within hours, she was transported by air ambulance to Memorial Hermann in Houston, Texas. Robert and Suzanne

Beatty spent a week by Carlynn's side as she fought to survive. Carlynn ultimately succumbed to her injuries on September 21, 2019. She was nineteen years old.

4.04 Defendant Puga plead guilty to certain crimes, including manslaughter for recklessly causing the death of Carlynn Beatty, by striking her with a motor vehicle he was operating after consuming alcohol, a controlled substance, a dangerous drug, or an unknown substance, or a combination of those substances, while failing to maintain a proper lookout, failing to maintain a single lane of travel, failing to control his speed, and failing to avoid a collision. He also plead guilty to using a deadly weapon, to -wit, a motor vehicle, which in the manner of its use or intended use was capable of causing death or serious bodily injury, during commission of the offense. The Court entered a Judgment of Conviction for manslaughter.

V.
CAUSES OF ACTION

(Wrongful Death/Negligence/Negligence *Per Se*, Gross Negligence)

5.01 This case is maintained as a wrongful death action for all the beneficiaries entitled to recover for the death of Carlynn Beatty, deceased, under the provisions of the Texas Civil Practice & Remedies Code § 71.002. Plaintiffs are the necessary and proper parties to maintain this wrongful death action and are the surviving legal beneficiaries of decedent provided for in the Wrongful Death Act. If there are other beneficiaries of decedent who are entitled to recover under the Wrongful Death Act, then Plaintiffs maintain this action for and on behalf of such other beneficiaries.

Negligence

5.02 Defendant Puga had a duty to use ordinary care in the operation of his vehicle. At the time and on the occasion in question, Defendant Puga failed to exercise ordinary care in the operation of his vehicle in the following specific respects, among others:

- a. Driving while intoxicated;
- b. Operating a vehicle after consuming alcohol, a controlled substance, a dangerous drug, or an unknown substance, or a combination of those substances;
- c. Driving recklessly;
- d. Failing to control his vehicle;
- e. Failing to drive in a single lane of travel;
- f. Failing to keep a proper lookout;
- g. Failing to pay attention;
- h. Failing to control speed;
- i. Failing to exercise due care to avoid striking a pedestrian;
- j. Failing to undertake such braking, steering or other maneuvers of his vehicle to avoid striking Carlynn Beatty;
- k. Using a deadly weapon, to-wit, a motor vehicle, which in the manner of its use or intended use was capable of causing death or serious bodily injury, during commission of an offense;
- l. Fleeing the scene; and
- m. Failing to reasonably and adequately observe safety regulations and laws.

5.03 Such negligent acts and/or omissions by Defendant proximately caused the collision in question, the injuries and death of Carlynn Beatty, and the damages sustained by Plaintiffs as a result thereof.

Negligence *Per Se*

5.04 Furthermore, the negligent actions and omissions of Defendant Puga as set forth above constituted violations of certain Texas state statutes governing the operation of motor vehicles on Texas roadways. Specifically, and without limitation, Defendant Puga was negligent *per se* by violating: (1) TEX. TRANS. CODE ANN. §545.401 by operating his vehicle in wilful or wanton disregard for the safety of persons or property. Carlynn Beatty and Plaintiffs were among the class of persons specifically intended to be afforded the protection of these statutes and ordinances governing the operation of motor vehicles, and the collision, bodily injuries, and other damages that

resulted from each such violation of statute or ordinance was the very type of harm that each such statute or ordinance was intended to prevent. Accordingly, the doctrine of negligence *per se* is specifically applicable to the conduct of Defendant Puga as described above.

5.05 Such negligent acts and/or omissions by Defendant proximately caused the collision in question, the injuries and death of Carlynn Beatty, and the damages sustained by Plaintiffs as a result thereof.

Gross Negligence

5.06 When viewed objectively from the standpoint of Defendant Puga, the acts or omissions by Defendant Puga involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Further, Defendant Puga had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others including Plaintiffs' decedent, Carlynn Beatty. Said actions and/or inactions were a proximate and/or producing cause of the collision in question, the injuries and death of Carlynn Beatty, and the damages sustained by Plaintiffs as a result thereof.

5.07 Such gross negligent acts and/or omissions by Defendant proximately caused the collision in question, the injuries and death of Carlynn Beatty, and the damages sustained by Plaintiffs as a result thereof.

VI. **DAMAGES**

6.01 As a result of Defendant's negligence, Plaintiff Robert Beatty, as the surviving father of Carlynn Beatty, has suffered damages and should recover all wrongful death damages permitted under Texas law, including but not limited to:

- a. Past and future loss of companionship and society consisting of the positive benefits flowing from the love, comfort, companionship, and society that Robert Beatty, in reasonable probability, would have received from Carlynn had she lived;

- b. Past and future mental anguish consisting of the emotional pain, torment, and suffering experienced by Robert Beatty because of the death of his daughter Carlynn; and
- c. The destruction of the father/daughter relationship.

6.02 As a result of Defendant's negligence, Plaintiff Suzanne Beatty, as the surviving mother of Carlynn Beatty, has suffered damages and should recover all wrongful death damages permitted under Texas law, including but not limited to:

- a. Past and future loss of companionship and society consisting of the positive benefits flowing from the love, comfort, companionship, and society that Suzanne Beatty, in reasonable probability, would have received from Carlynn had she lived;
- b. Past and future mental anguish consisting of the emotional pain, torment, and suffering experienced by Suzanne Beatty because of the death of her daughter Carlynn; and
- c. The destruction of the mother/daughter relationship.

6.03 Plaintiffs should recover exemplary damages against Defendant as a penalty pursuant to Chapter 41 of the Texas Civil Practice and Remedies Code in an amount sufficient to punish Defendant Puga and to deter him and others from engaging in similar misconduct in the future. Plaintiffs would show that the amount to be awarded as exemplary damages also has a value within the minimum jurisdictional limits of this Court, for which exemplary damages they here and now sue.

6.04 Plaintiffs also seek recovery of their expenses and cost of suit and pre-judgment and post-judgment interest at the highest rate permitted by law.

6.05 Although Plaintiffs believe that the ultimate decision regarding how much money to compensate them for the wrongful death of their daughter falls within the purview of the jury under the right to trial by jury, *Texas Rule of Civil Procedure 47* requires the Plaintiffs to choose from a limit of five predetermined categories of monetary relief. Due to this requirement, Plaintiffs plead

that they seek monetary relief over \$1,000,000.00. Additionally, *Texas Rule of Civil Procedure* 47(d) provides a mechanism by which a Defendant may require that Plaintiffs specify the maximum amount of damages. Out of respect for the jury, Plaintiffs are complying by pleading a maximum amount sufficiently high so as not to limit the jury's ability to award an amount it deems just. Plaintiffs do not intend to ask the jury for this amount, but in order to avoid placing any unwarranted restriction on the jury's ability to fairly decide this case and award an amount it deems just, Plaintiffs state that the maximum damages claimed do not exceed \$100,000,000.00. Plaintiffs reserve the right to amend their claims for monetary relief, if necessary.

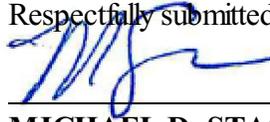
VII.
JURY DEMAND

7.01 Plaintiffs hereby demand a trial by jury on all issues presented in this action pursuant to Rule 216 of the Texas Rules of Civil Procedure.

XIII.
PRAYER

8.01 WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that Defendant be cited to appear and answer herein, and upon trial of this action, that Plaintiffs have judgment against the said Defendant for all actual and compensatory and exemplary damages alleged herein, for prejudgment and post judgment interest as allowed by law, for all costs of Court, and for such other and further relief, both general and special, in law or in equity, to which Plaintiffs may show themselves to be justly entitled

Respectfully submitted,



MICHAEL D. STACY
Texas Bar No. 24002990

JUNEAU, BOLL & STACY PLLC.
15301 Spectrum Dr., Suite 300
Addison, Texas 75001
Telephone: (972) 866-8333
Facsimile: (972) 866-8378

ATTORNEYS FOR PLAINTIFFS

CAUSE NO. 20-003187-CV-272

ROBERT BEATTY and
SUZANNE BEATTY
Plaintiffs,

v.

PEDRO DAMION PUGA
Defendant.

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

OF BRAZOS COUNTY, TEXAS

272ND JUDICIAL DISTRICT

CHARGE OF THE COURT

MEMBERS OF THE JURY:

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason. I will give you a number where others may contact you in case of an emergency.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

Here are the instructions for answering the questions.

1. Do not let bias, prejudice, or sympathy play any part in your decision.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.
3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.

4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.
5. All the questions and answers are important. No one should say that any question or answer is not important.
6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence.

The term "PREPONDERANCE OF EVIDENCE" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

A fact may be established by direct evidence or by circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts proved.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.
8. Do not answer questions by drawing straws or by any method of chance.
9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.
10. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."
11. Unless otherwise instructed, the answers to the questions must be based on the decision of at least ten of the twelve jurors. The same ten jurors must agree on every answer. Do not agree to be bound by a vote of anything less than ten jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

Instruction

You are instructed that the negligence of Pedro Puga was the sole proximate cause of the death of Carlynn Beatty.

"Negligence" means failure to use ordinary care; that is to say, failure to do that which a person of ordinary prudence would have done under the same or similar circumstances, or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

"Ordinary Care" means the degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

"Sole Proximate Cause" means the only proximate cause. "Proximate Cause" means that cause which, in a natural and continuous sequence, produces an event, and without which cause such event would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the event, or some similar event, might reasonably result therefrom.

The answers in Question 1 must be based on the decision of at least ten of the twelve jurors. The same ten jurors must agree on every answer. Do not agree to be bound by a vote of anything less than ten jurors, even if it would be a majority.

QUESTION 1

What sum of money, if paid now in cash, would fairly and reasonably compensate **Suzanne Beatty and Robert Beatty** for their damages, if any, that resulted from the death of Carlynn Beatty.

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you may find.

Answer separately, in dollars and cents, for damages, if any.

- a. Loss of companionship and society sustained in the past by

Suzanne Beatty Answer: \$ 1.5-Million

Robert Beatty Answer: \$ 1.5-Million

"Loss of companionship and society" means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Suzanne and Robert Beatty, in reasonable probability, would have received from Carlynn Beatty had she lived.

- b. Loss of companionship and society that, in reasonable probability, will be sustained in the future by

Suzanne Beatty Answer: \$ 10-Million

Robert Beatty Answer: \$ 10-Million

- c. Mental anguish sustained in the past by

Suzanne Beatty Answer: \$ 3-Million

Robert Beatty Answer: \$ 3-Million

"Mental anguish" means the emotional pain, torment, and suffering experienced by Suzanne Beatty and Robert Beatty because of the death of Carlynn Beatty.

- d. Mental anguish that, in reasonable probability, will be sustained in the future by

Suzanne Beatty Answer: \$ 20-Million

Robert Beatty Answer: \$ 20-Million

To answer “Yes” to Question 2, your answer must be unanimous. You may answer “No” to Question 2 only upon a vote of ten or more jurors. Otherwise, you must not answer the following question.

QUESTION 2

Do you find by clear and convincing evidence that the death of Carlynn Beatty resulted from gross negligence?

“Clear and convincing evidence” means the measure or degree of proof that produces a firm belief or conviction of the truth of the allegations sought to be established.

“Gross negligence” means an act or omission by Pedro Puga,

1. which when viewed objectively from the standpoint of Pedro Puga at the time of its occurrence involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and
2. of which Pedro Puga has actual, subjective awareness of the risks involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others.

Answer “Yes” or “No.”

Answer: Yes

Answer the following question regarding Pedro Puga only if you unanimously answered "Yes" to Question No. 2 regarding Pedro Puga. Otherwise, do not answer the following question regarding Pedro Puga.

QUESTION 3

You are instructed that you must unanimously agree on the amount of any award of exemplary damages.

What sum of money, if any, should be assessed against Pedro Puga and awarded to Suzanne Beatty and Robert Beatty as exemplary damages for the conduct found in response to Question No. 2?

"Exemplary Damages" means any damages awarded as a penalty or by way of punishment but not for compensatory purposes. Exemplary damages include punitive damages.

Factors to consider in awarding exemplary damages, if any, are:

- a. The nature of the wrong.
- b. The character of the conduct involved.
- c. The degree of culpability of the wrongdoer.
- d. The situation and sensibilities of the parties concerned.
- e. The extent to which such conduct offends a public sense of justice and propriety.
- f. The net worth of Pedro Puga

Answer in dollars and cents, if any.

Answer: \$250,000

Presiding Juror:

1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
 - a. have the complete charge read aloud if it will be helpful to your deliberations;
 - b. preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
 - c. give written questions or comments to the bailiff who will give them to the judge;
 - d. write down the answers you agree on;
 - e. get the signatures for the verdict certificate; and
 - f. notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

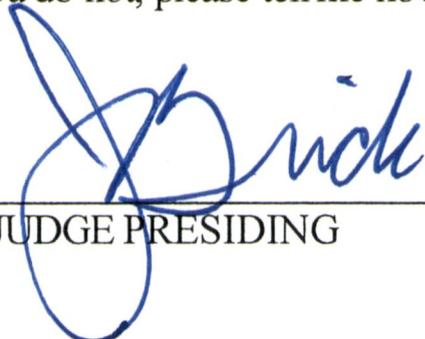
Instructions for Signing the Verdict Certificate for Question 1:

1. You may answer Question 1 on a vote of ten jurors. The same ten jurors must agree on every answer. This means that you may not have one group of ten agree on one answer and a different group of ten agree on another answer.
2. If ten jurors agree on every answer, those ten jurors sign the verdict.

If eleven jurors agree on every answer, those eleven jurors sign the verdict.

If all twelve of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.

Do you understand these instructions? If you do not, please tell me now.



JUDGE PRESIDING

Verdict Certificate for Question 1:

Check one:

✓

Our verdict is unanimous. All twelve of us have agreed to each and every answer in Question 1. The presiding juror has signed the certificate for all twelve of us.

Signature of Presiding Juror

Printed Name of Presiding Juror

_____ Our verdict is not unanimous. Eleven of us have agreed to each and every answer in Question 1 and have signed the certificate below.

_____ Our verdict is not unanimous. Ten of us have agreed to each and every answer in Question 1 and have signed the certificate below.

Signature

Name Printed

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

Instructions for Signing the Verdict Certificate for Question 2:

To answer "Yes" to Question 2, your answer must be unanimous. You may answer "No" to Question 2 only upon a vote of ten or more jurors. Otherwise, you must not answer the following question.

Verdict Certificate for Question 2:

Check one:

Our verdict is unanimous. All twelve of us have agreed to the answer in Question 2. The presiding juror has signed the certificate for all twelve of us.

Signature of Presiding Juror

Printed Name of Presiding Juror

_____ Our verdict is not unanimous. Eleven of us have agreed to the answer in Question 2 and have signed the certificate below.

_____ Our verdict is not unanimous. Ten of us have agreed to the answer in Question 2 and have signed the certificate below.

Signature

Name Printed

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____
