

CAUSE NO.

MICHAEL LOWE
Plaintiff,

-v.-

AMERICAN AIRLINES, INC.
Defendant.

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

PLAINTIFF’S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

This case involves the arrest and imprisonment of an innocent man because of American Airline’s negligence.

I.
DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level III of Texas Rules of Civil Procedure 190.4.

II.
JURISDICTION AND VENUE

2. Venue is proper in Tarrant County under 15.002 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, because a substantial part of the events forming the basis of this lawsuit occurred in Tarrant County and because the Defendant maintains its headquarters and principal place of business within Tarrant County.

3. Jurisdiction is proper because the amount in controversy exceeds the minimum jurisdictional limits of this Court.

4. Plaintiff seeks relief in accordance with TEX. R. CIV. P. 47(c)(4).

III. **PARTIES AND SERVICE**

5. Plaintiff Michael Lowe (Mr. Lowe) is an individual residing in Coconino County, Arizona.

6. Defendant American Airlines, Inc. (American Airlines or American) is a for-profit corporation organized under the laws of the State of Delaware and maintains its headquarters and principal place of business within Tarrant County, Texas. Defendant may be served process by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, at 211 E. 7th Street, Suite 620 Austin, TX 78701-3136.

IV. **FACTS**

INTRODUCTION

7. After a duty-free shop in Dallas Fort Worth International Airport (DFW) was burglarized on May 12, 2020, surveillance cameras revealed that the culprit boarded American Flight #2248. To identify the culprit, DFW Police Department (DFW PD) obtained a search warrant ordering American Airlines to

produce any and all recorded travel data for all individuals on Flight 2248.

8. While American is well experienced in responding to search warrants, this time it departed from its established procedures; instead of turning over *all data for all individuals*, as ordered, American produced the identification of a single passenger on Flight #2248: Michael Lowe.

9. As a result of American's identification - or rather, misidentification - of Mr. Lowe as *the* culprit, felony and misdemeanor arrest warrants were issued for Mr. Lowe in Tarrant County, Texas.

10. The consequences of American's breach of the duty of care it owed Mr. Lowe would prove to be life-changing, when on July 4, 2021, while vacationing in New Mexico, Mr. Lowe was arrested on the warrants.

11. It is the incomprehensible trauma of the wrongful accusation against Mr. Lowe, his resulting seventeen (17) day incarceration in the Quay County Detention Center (Quay County) in Tucumcari, New Mexico and the continuing crises that are its consequence, which are the subject of this suit.

**LAW ENFORCEMENT BEGINS INVESTIGATING AN UNRELATED
PASSENGER ON MR. LOWE'S FLIGHT**

12. On May 12, 2020, Mr. Lowe boarded an American Airlines flight departing from Flagstaff, Arizona to Reno, Nevada, with a layover and change of

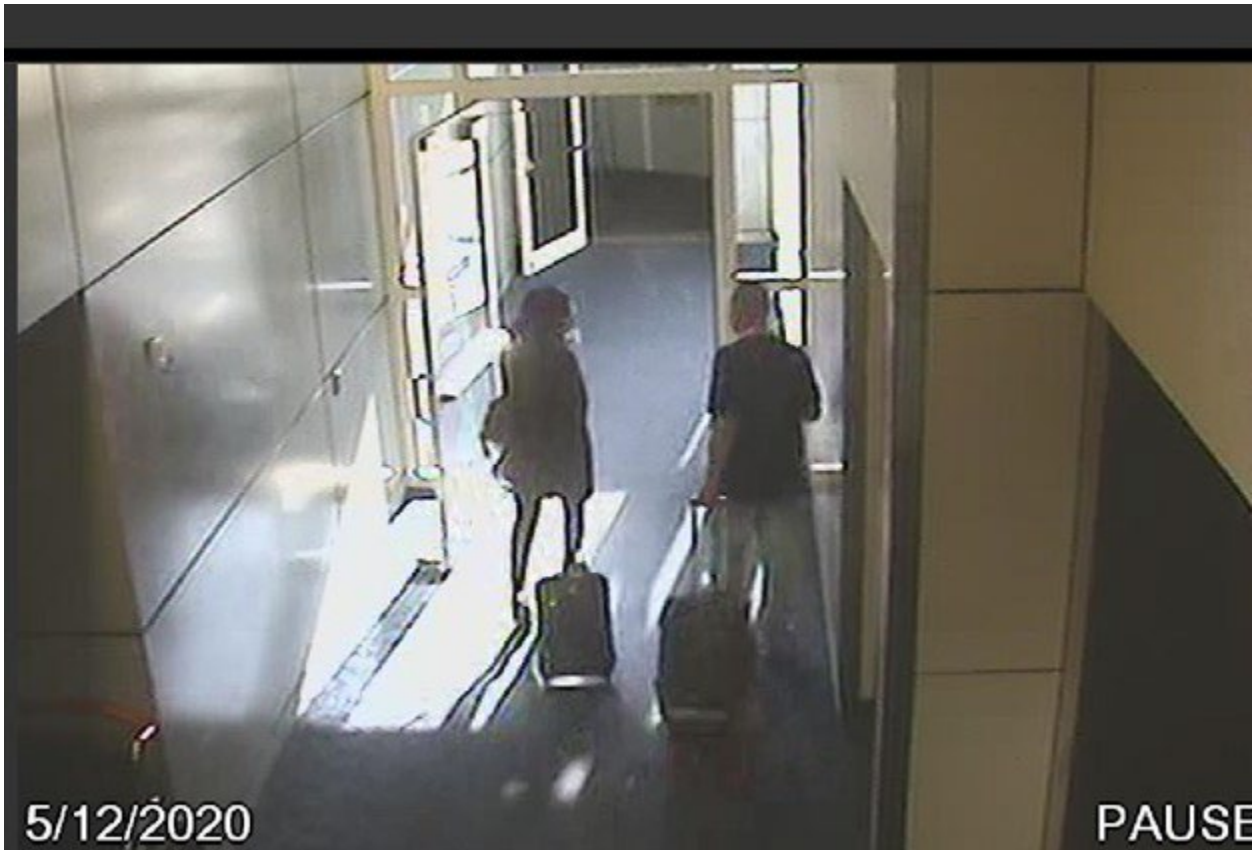
planes at Dallas Fort Worth International Airport (DFW). Mr. Lowe was going to visit a friend. Once on board American Airlines flight #2448 from DFW to Reno, Mr. Lowe took a selfie that he sent to his girlfriend, below:



13. On May 13, 2020, the DFW PD began investigating the burglary of a duty-free store in Terminal D that was committed shortly before flight #2248 departed. Based on surveillance footage, DFW PD identified the man in the picture below as the burglar:



14. Using surveillance footage, DFW PD tracked the burglary suspect through the terminal until he boarded American flight #2248 - as captured below; that is, the same flight from DFW to Reno that Mr. Lowe was on.



15. In an effort to identify the burglar, on June 18, 2020, Detective Torres of the DFW PD obtained a search warrant ordering American to produce any and all recorded travel data for all individuals as held by American for the following date(s): May 12, 2020, for the following flight: American Airlines Flight #2448 which departed DFW International Airport on May 12th, 2020, out

of D25 at around 7:00 p.m. Based on the surveillance photos, the probable cause affidavit described the suspect as a tall and thin, White or Hispanic male with a short military style haircut, black polo shirt and blue jeans.

AMERICAN AIRLINES IDENTIFIES MR. LOWE AS THE CULPRIT

16. In response to the search warrant, American did not produce “any and all recorded travel data for all individuals.” Instead, American provided Detective Torres with the data of a single passenger: Michael Lowe.

17. Based on American’s identification of Mr. Lowe, and only Mr. Lowe, on June 30, 2020, DFW PD caused two arrest warrants to be issued for him - one for felony burglary of a building, and the second for misdemeanor criminal mischief. The warrants were subsequently entered into the National Crime Information Center (NCIC) database, thereby subjecting Mr. Lowe to arrest at any time.

BECAUSE OF AMERICAN’S BREACH OF ITS DUTY, MR. LOWE IS ARRESTED AND JAILED

18. On July 4, 2021, Mr. Lowe was in Tucumcari, New Mexico, visiting friends. While attending a Fourth of July event, Mr. Lowe encountered Tucumcari police, who were asking the attendees to provide identification to identify an individual who had caused a disturbance. When the officers ran Mr.

Lowe's name and found the outstanding warrants from Tarrant County, they had no choice but to arrest him.

19. While Mr. Lowe's confusion was profound - he did not know where Tarrant County, Texas was and could not even remember the last time he was in the state - his protestations went unheeded after the officers confirmed the warrants.

20. Finding composure in his knowledge that this was a mistake, Mr. Lowe told his friends - who were only visiting New Mexico, and were not locals - not to worry, it would all get cleared up quickly. He was wrong.

AN UNENDING NIGHTMARE: MR. LOWE'S INCARCERATION IN THE QUAY COUNTY, NEW MEXICO DETENTION CENTER

21. Once at the jail, Mr. Lowe continued to insist that they had arrested the wrong person. As the book-in process continued however, Mr. Lowe realized his protestations were not merely falling on deaf ears but appeared to be antagonizing the jailers. What little hope remained that Mr. Lowe could avoid being booked-in to the jail was extinguished when he was ordered to strip naked. Once completely undressed, his jailers visually inspected his naked body for contraband; Mr. Lowe was ordered to open his mouth, lift up his penis and testicles, and then bend over at the waist, use his hands to spread his buttocks so

that his anus was exposed to the jailers and then, to trigger the cough-anal reflex so that any potential contraband located in Mr. Lowe's rectum might be expelled, Mr. Lowe was ordered to cough.

22. The terror Mr. Lowe experienced while imprisoned in Quay County for the next 17 days was existential. Placed in a quarantine pod, the facilities contempt for the health, safety and well-being of its inmates was immediately obvious, as not a single staff member nor inmate wore a face covering.

23. In a state hit hard by COVID-19 - New Mexico has ranked tenth in death rates per 100,000 people (<https://www.statista.com/statistics/1109011/coronavirus-covid19-death-rates-us-by-state/>) - Quay County was among the deadliest counties, suffering the fourth highest total reported death rates per 100,000 people. (<https://www.washingtonpost.com/graphics/2020/national/coronavirus-us-cases-deaths/?state=NM>).

24. Quay County's jail, however, bore a particularly ignominious distinction, as reflected by a single statistic: when in June 2020, in an effort to stem the transmission of COVID-19, "New Mexico's 27 adult county jails...slashed their combined population by a third...**Every adult jail in the state except one - Quay County - ha[d] cut its population numbers.**" See, <https://nmindepth.com/2020/nm-jail-populations-plummet-amid-joint-efforts-to>

-avoid-covid-19-outbreak-positive-test-rates-are-low/. A further testament to the facility's utter indifference, Quay County bore the additional distinction of being only one of three adult county jails in New Mexico at which corrections officers and jail contractors had refused to be tested for COVID-19. *Id.*

25. While all incoming inmates were into a "quarantine pod," there was a bottleneck; that is, new inmates arrived in the pod faster than inmates were moved out. In the absence of masks or the ability to socially distance, the addition of each new inmate brought the potential for renewed exposure to the deadly virus. Having avoided contracting COVID-19 by adhering to CDC guidelines (wearing a mask, social distancing, etc.) throughout the pandemic, Mr. Lowe's sudden inability to protect himself from exposure was an initial preoccupation, until more pressing and immediate concerns to his health and safety became apparent.

26. As a further consequence of all inmates having to pass through the quarantine pod and the resulting overcrowding, Quay County failed to segregate the inmates based on their charges, criminal histories, identification as gang members, mental illness and other considerations that are the standard practice in all detention facilities.

27. Rather, the inmates in the quarantine pods ran the gamut, without regard to age, charge, psychiatric condition, or ability to fend for oneself. During his 17 days of incarceration in the quarantine pod, Mr. Lowe was housed with gang members, habitual offenders and inmates who were in for violent offenses. To not attract attention to himself, Mr. Lowe avoided as much interaction with the other inmates as possible; as it was clear to him that he was at the bottom of the pecking order in the pod, Mr. Lowe only spoke when spoken to.

28. With only a fraction of the cots necessary to keep the inmates from having to resort to sleeping on the concrete floor, and with no means to keep and maintain a space of one's own, there was no shared solidarity between the men in the quarantine pod, but rather a palpable sense of menace.

29. For 17 days and nights, Mr. Lowe lived in a constant state of fear of confrontation or abuse. Violent outbursts arose over any trivial act - the use of the shared television, access to the phones in the pod. Mr. Lowe was forced to watch when a young inmate was punched in the face three times in rapid succession by an older inmate for no apparent reason. A week later, a wall remained stained with the young inmate's blood. To have to sit in silence and not come to the aid of a fellow human being - particularly someone vulnerable like the younger inmate - was excruciating to Mr. Lowe.

30. The overcrowding further contributed to what became the most trying physical test of Mr. Lowe's life: a near complete lack of sleep over the entire 17 days of his incarceration.

31. Initially forced to sleep on the concrete floor, when Mr. Lowe was finally able to secure a metal bunk, it afforded no better night's sleep; while the inmates were provided a thin foam inflatable pad, there was a hierarchy among the distribution of the pads and Mr. Lowe was invariably assigned a mat incapable of inflation due to multiple holes. As a result of spending 17 nights alternating between sleeping on a concrete floor and a metal bunk, Mr. Lowe's hips remained bruised until well after his release.

32. The constant noise created by the other inmates also prevented Mr. Lowe from sleeping. Some inmates would bang on the walls and yell for hours on end. Another inmate, who was denied the medication needed to manage his psychiatric conditions, would scream random and incoherent church hymns throughout the night.

33. Yet another inmate was vomiting and moaning for three days straight. Mr. Lowe tried to provide the inmate - professed as he was of the Hindu faith - with whatever non-meat items served among the mostly inedible food, but the inmate could not hold it down. Mr. Lowe and several of the other inmates pleaded

to the guards to take the sick inmate to a doctor or nurse, but their request was ignored, as the guards insisted that the inmate was just suffering from withdrawals. When Mr. Lowe was released, the inmate remained in the same condition, and Mr. Lowe continues to wonder if he survived.

34. The overcrowding also resulted in grossly unsanitary conditions; the smell of urine and feces kept the air so pungent that Mr. Lowe was often forced to breathe through his mouth and use his jail clothing to cover his nose. When Mr. Lowe could no longer stand the stench, he requested cleaning supplies, but was merely given a spray bottle with water and just a hint of disinfectant and a filthy mop with no bucket.

35. The shared shower facility afforded no relief from the filth either, as inmates routinely urinated in the drain, even when not showering; moreover, the shower was in such disrepair that through cracked tiles, rusted rebar sticking out of the walls. Of greater concern to Mr. Lowe, however, was the intense physical vulnerability that showering exposed him to. As a result, Mr. Lowe went days without showering, waiting until he could no longer bear the physical discomfort from the filth of his condition. Mr. Lowe showered approximately 4-5 times in those 17 days.

MR. LOWE'S PSYCHOLOGICAL TERROR OF NOT KNOWING WHEN HE WOULD BE RELEASED

36. Mr. Lowe was not taken before a magistrate until his eighth day of incarceration.

37. Even when he finally saw a judge, Mr. Lowe was provided no clarification regarding his arrest, other than being shown a copy of his Tarrant County warrants. Informed that bail would not be set for him because he was a fugitive from justice, Mr. Lowe was told his only options were to waive extradition so that Texas could come pick him up or hope that the Governor of New Mexico would block the extradition. Mr. Lowe was also told that Texas had thirty days to come get him, but that this could be extended for an additional fifteen days should Texas request it.

38. In the absence of counsel to explain the process to him, Mr. Lowe was paralyzed by fear and indecision: he did not know what extradition meant and he feared that if he waived it, that meant he was making an admission of guilt. Similarly, he could not understand what possible role the Governor of New Mexico could play in his case. While Mr. Lowe ultimately waived extradition based on the Court's suggestion that he do so, Mr. Lowe left arraignment terrified by his decision, and the possibility that he would have to stay in jail another 37

days.

39. It was after his arraignment that Mr. Lowe's suffering became most acute as his detention appeared to be without end. The possibility of being stuck in Quay County, New Mexico for more than a month was unimaginable to him. The days after his arraignment passed in a state of unreality for Mr. Lowe. Unable to think clearly because of exhaustion and stress, he became fixated on what he would face when transferred to a Texas jail. Mr. Lowe sat for days, hardly eating, or sleeping, consumed by nightmarish thoughts of a Texas jail that was awaiting him.

40. This is how the next nine days of Mr. Lowe's life passed, when, on the 17th day, a guard called him out of the pod and told him he was being released.

MR. LOWE IS RELEASED AND RETURNS HOME AFTER SEVERAL COMPLICATIONS

41. Mr. Lowe was given no further information but was told that he was free to leave. His property was returned to him, and he was ordered to change out. The clothes he was wearing the night of his arrest were returned to him, but they were now covered in mold as each article had been placed in a plastic bag while wet from the rain on the night of Mr. Lowe's arrest. The smell of the mildew was overpowering.

42. Mr. Lowe walked out of the jail to nothing. The only means Mr. Lowe had to get home was to purchase a ticket on a Greyhound Bus. Mr. Lowe then walked miles to a McDonalds where the bus was to pick him up. Once there, he tried to clean himself up and wash his shirt in the sink of the McDonalds bathroom, only to be kicked out as the staff mistook him to be a vagrant.

43. Even Mr. Lowe's trip home would prove to be a further ordeal; while the bus ride to Flagstaff was a twelve-hour trip, after the bus broke down, it took Mr. Lowe two full days before he made it to his home, finally arriving at 4:00 a.m. in the morning. Upon stepping through the threshold of his home, Mr. Lowe allowed himself to sob until he could no longer stand.

MR. LOWE DISCOVERS WHAT HAPPENED AND CLEARS HIS NAME

44. After returning to Flagstaff and processing what had happened to him, Mr. Lowe began his investigation. Through calls to various entities in Tarrant County - the jail, the district Clerk's office, the District Attorney's office - Mr. Lowe reached Detective Torres of the DFW PD.

45. To Mr. Lowe's dismay, Detective Torres expressed his disappointment that Quay County had released him; Detective Torres further told Mr. Lowe that he was supposed to have been in court in Tarrant County at 9:00

a.m., *that same morning*, and that because of failing to appear, another warrant would be issued for him.

46. To convince Detective Torres of his innocence - that the detective had the wrong man - Mr. Lowe asked Detective Torres what the charges were based on. Detective Torres would only tell Mr. Lowe that the charges were based off information provided by American. The call ended with Detective Torres' admonishment to Mr. Lowe that he must surrender himself again, and that he remained subject to arrest still.

47. Unsure of how to proceed but certain that he could not go sit in a county jail again to wait on Texas to pick him up, Mr. Lowe began the process of trying to find counsel to defend him from these charges that he knew were false.

48. Sometime after Mr. Lowe's release from jail, Detective Torres obtained Mr. Lowe's mug shot from Quay County and compared it to the photos of the culprit; it was obvious that American Airlines had the wrong person, and that Mr. Lowe was not the person responsible for the burglary on May 12, 2020.

49. After weeks of trying to find an attorney, Mr. Lowe found the undersigned who contacted both Detective Torres and the Tarrant County District Attorney's Office and ensured that both the felony and the misdemeanor charges

were officially and finally dismissed.

MR. LOWE IS A CHANGED MAN

50. A professional outdoorsman and career guide, Mr. Lowe's sense of self was defined by his sense of *competence*; his ability to face challenges and overcome hardships through knowledge, experience, and perseverance – and his ability to guide others through the same. Mr. Lowe's wrongful arrest and incarceration because of American Airline's decision to name him as the one and only suspect has shaken his identity to the core and cast a pall over his view of the world.

51. While Mr. Lowe understands that the likelihood of something like this happening again to him is minimal, the fear cannot be rationalized away, and it infects virtually his every decision and action. Mr. Lowe's fear - *what if I have done something wrong* - manifests itself throughout his days in ways both complex and mundane. When shopping, he can become preoccupied with worry over whether he forgot to pay for something. The sight of a patrol car now produces a state of anxiety, and his interactions with the National Park Service Police, previously always friendly, are now hurried through as contact with any law enforcement produces too great a panic response.

52. Mr. Lowe also now suffers an ongoing state of hypervigilance that has robbed him of former ability to rest or relax. The sensory alertness that he developed over decades spent outdoors has been replaced with an omnipresent sense of danger.

53. Additionally, experiences Mr. Lowe used to love now remind him of his incarceration. As a career outdoorsman, Mr. Lowe spent thousands of days and nights living rough. When sleeping outside now, he experiences pains in his hips that he never previously noticed and that are identical to those he lived with during his seventeen days in jail. Integral parts of the outdoor experience that he used to *enjoy* - packing light and re-wearing clothes, using nature's facilities, the feel of a shower after days without one - are now a discomfort for him that serve to remind him of the state of filth he lived in for seventeen days.

54. Mr. Lowe also suffers from nightmares and intrusive thoughts because of his incarceration. It is also harder for Mr. Lowe to fall asleep and stay asleep as the result of both anxiety and depression. While Mr. Lowe did not often remember his dreams prior to this harrowing experience, he now consistently wakes from nightmares that are related to his incarceration. Throughout the day, without warning, Mr. Lowe is plagued by his involuntary recall of the most demeaning and disturbing experiences of his incarceration, such as his strip

search, the violent assault against the young inmate and the sounds of the inmate that he tried to care for. These intrusive thoughts evoke the corresponding feelings of shame, fear, anger, and helplessness that he felt at the time he experienced them.

55. Like a low-grade fever, these symptoms of the trauma he experienced have occasioned a malaise that has taken much of the enjoyment out of life. As a result of this sustained severe emotional pain, anguish, anxiety, depression and loss of self-esteem, Mr. Lowe has become a man desperate to find himself.

56. Mr. Lowe also suffered substantial economic damages because of his wrongful arrest. At the time of Mr. Lowe's arrest, he was preparing for a two-week tour to Alaska for one of his clients that had been planned months in advance. The group consisted of five people, each of whom were paying \$6,000/person, and was supposed to depart on July 9, 2021. As a result of his incarceration, the trip had to be cancelled.

57. Additionally, as the arrest warrants remained active even after his release from jail, Mr. Lowe was unable to work. For fear of being re-arrested, Mr. Lowe did not book any trips until after his warrants were lifted in early September 2021, resulting in further economic loss.

58. Mr. Lowe's business was further damaged when some of his long-time guides left his employ due to the uncertainty that the situation presented to Mr. Lowe's continued business. This included guides who Mr. Lowe had trained and who were certified by the National Park Service (NPS) to be trip leaders. These guides were crucial to Mr. Lowe's business as NPS requires trip leaders on Grand Canyon tours to have hiked each trail along the Grand Canyon twice before certification. Mr. Lowe has yet to replace these guides and his business suffers to this day.

V.

CAUSES OF ACTION AGAINST DEFENDANT

NEGLIGENCE

59. American was entrusted with Mr. Lowe's personal identifying information and consequently bore a duty to Mr. Lowe to perform its services in a reasonably prudent manner. These services included the protection of Mr. Lowe's personal identifying information as well as compliance with any applicable laws.

60. American breached its duty of care to Mr. Lowe by failing to comply with the search warrant, and instead providing only Mr. Lowe's information to law enforcement. American Airlines should have provided its entire flight

manifest as ordered by the warrant or a list of all individuals who matched a certain description (ex: all white males over 18 and under 65). American Airlines also could have performed an adequate search to identify the correct suspect and provide his information to law enforcement. Instead, American Airlines, conducted its own negligent investigation, and wrongfully identified Mr. Lowe as the single suspect of the DFW Airport PD felony investigation which foreseeably led to Mr. Lowe being arrested and imprisoned for a crime for which he was innocent.

61. American Airlines' acts and omissions constituted negligence which proximately caused the occurrence made the basis of this action and Mr. Lowe's damages.

NEGLIGENT UNDERTAKING

62. To the extent there is no duty otherwise recognized under common law, American Airlines undertook to perform services that it knew or should have known were necessary for the protection and safety of its passengers including Mr. Lowe. Specifically, American Airlines undertook the operation of an airline business wherein it was entrusted with Mr. Lowe's personal identifying information. American Airlines also knew, through experience, that it may be required to cooperate with law enforcement which is an aspect that it voluntarily

undertook as part of continuing business operations. American Airlines further undertook law enforcement tasks and responsibilities that went beyond what was required of it under law when it failed to fully comply with the terms of the search warrant and instead provided information for a single person.

63. On information and belief, American Airlines has developed policies for the interaction with law enforcement and the protection/disclosure of its customers' personal identifying information.

64. American Airlines failed to exercise ordinary care in the performance of its services and adherence to its policies by failing to perform an adequate search that was responsive to the warrant presented to it and instead provided Mr. Lowe's information - and only Mr. Lowe's information - to law enforcement in response to a search warrant. American Airlines could have provided its entire manifest for the flight or a list of all individuals who matched a certain description (ex: all white males over eighteen and under 65). American Airlines also could have performed an adequate search to identify the correct suspect and provide his information to law enforcement. Instead, American Airlines affirmatively and wrongfully identified Mr. Lowe as the single suspect of the DFW Airport PD's felony investigation which foreseeably led to Mr. Lowe being arrested and imprisoned for a crime he was innocent of.

65. Mr. Lowe relied upon American Airlines' performance of its services to his detriment; this included entrusting American Airlines with his personal identifying information which was subsequently used to misidentify Mr. Lowe as the culprit of a crime he did not commit. Additionally, or in the alternative, American Airlines' failure to exercise ordinary care in the performance of its services increased the risks of foreseeable harm to Mr. Lowe. American Airlines disregarded the terms of the search warrant and acted in a manner inconsistent with its own policies, to the foreseeable detriment and harm of Mr. Lowe.

66. The negligence of American Airlines proximately caused the occurrence in question and Mr. Lowe's damages.

GROSS NEGLIGENCE

67. American Airlines' acts and omissions, viewed objectively from its standpoint at the time of the occurrence, involved an extreme degree of risk considering the probability and magnitude of harm to others. This is especially true considering that it knew that if it provided the name of a single individual in response to the search warrant instead of turning over the entire flight manifest as ordered, it was highly likely that that individual would be arrested and imprisoned.

68. American Airlines had actual, subjective awareness of the risks involved with providing the name of a single individual in response to a search warrant for a felony-level crime, but nevertheless performed a cursory and negligent search that did not comply with search warrant and proceeded with conscious indifference to the rights and safety of Mr. Lowe. Specifically, American Airlines knew Mr. Lowe would almost certainly get arrested and imprisoned and did not bother to act with due diligence to determine if Mr. Lowe's personal identifying information was even responsive to the search warrant. American Airlines disregarded and acted in a manner inconsistent with its own policies, to the foreseeable detriment and harm of Mr. Lowe.

VI.
DAMAGES FOR MR. LOWE

69. As a result of the incident described herein, Mr. Lowe has experienced mental anguish and emotional distress in the past and in reasonable probability, such mental anguish and emotional distress will continue in the future.

70. Mr. Lowe and his business have sustained lost wages and income in the past and he will continue to suffer from loss of income in the future.

71. Mr. Lowe's earning capacity has been diminished because of the incident described herein.

VII.
CLAIM FOR PREJUDGMENT AND POST-JUDGMENT INTEREST

72. Plaintiff claims interest in accordance with TEXAS FINANCE CODE 304.001 *et seq.* and any other applicable law.

VIII.
NOTICE PURSUANT TO TEX. R. CIV. P. 193.7

73. Plaintiff provides notice to Defendant pursuant to Rule 193.7 of the TEXAS RULES OF CIVIL PROCEDURE that Plaintiff may utilize as evidence during the trial of this lawsuit, all documents exchanged by the parties in written discovery in this case. This specifically includes Defendant's video footage of the occurrence in question.

IV.
REQUEST FOR A JURY TRIAL

74. Plaintiff requests a jury trial.

X.
PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein and upon final hearing of this cause, Plaintiff have judgment against Defendant for damages described herein, for costs of suit, pre-judgment and post judgment interest permitted by law, and for such other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

SCOTT H. PALMER, P.C.

/s/ Scott H. Palmer

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