

CAUSE NO. C-2621-24-A

GUADALUPE ENRIGUEZ, JR.,	§	IN THE DISTRICT COURT
INDIVIDUALLY AND AS	§	
REPRESENTATIVE OF THE ESTATE OF	§	
MARIAH DESIREE ENRIQUEZ, DECEASED	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
Vs.	§	_____ JUDICIAL DISTRICT
	§	
HUGO E. LARA, CAMELOT	§	
DESIGNS & CONSTRUCTION, LLC, AND	§	
CAMELOT DESIGNS & INVESTMENTS, LLC	§	
	§	
<i>Defendants.</i>	§	HIDALGO COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION, APPLICATION FOR TEMPORARY RESTRAINING ORDER, AND REQUEST FOR TEMPORARY INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Guadalupe Enriquez, Jr., Individually and as Representative of the Estate of Mariah Desiree Enriquez, Deceased, hereinafter called Plaintiffs, complaining of and about Hugo E. Lara, Individually and Camelot Designs & Construction, LLC, Camelot Designs & Investments, LLC, hereinafter called Defendants, and for cause of action would show unto the Court the following:

I. DISCOVERY CONTROL PLAN

1. Plaintiffs intend that discovery be conducted under Level 3 pursuant to Rule 190.4 of the Texas Rules of Civil Procedure.

II. PARTIES

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2. Plaintiff Guadalupe Enriquez, Jr. is an individual who resides in Hidalgo County, Texas. Plaintiff is the father of Mariah Desiree Enriquez, Deceased, and as the Representative of the Estate of Mariah Desiree Enriquez.

3. Defendant Hugo E. Lara is an individual who may be served with process at his residence at 7405 N. 1st, McAllen, Texas, or wherever he may be found via private process server.

4. Defendant Camelot Designs & Construction, LLC is a Texas Limited Liability Company who may be served with process through its registered agent, Hugo E. Lara, at 3313 N. McColl Road, McAllen, Texas 78501, via private process server. Citation is requested to be issued.

5. Defendant Camelot Designs & Investments, LLC is a Texas Limited Liability Company who may be served with process through its registered agent, Hugo E. Lara, at 3313 N. McColl Road, McAllen, Texas 78501, via private process server. Citation is requested to be issued.

III. JURISDICTION & VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court. Plaintiffs seek monetary relief over \$1,000,000. This court has jurisdiction over the parties because Defendants are Texas residents.

7. Venue in Hidalgo County is proper in this cause under Section 15.002(a)(2) of the Texas Civil Practice and Remedies Code since Defendants are residents of Hidalgo County, Texas.

IV. FACTS

8. On June 4, 2024, at approximately 1:45 a.m., Defendant Hugo E. Lara was driving a 2023 white Ford F-150, owned by Defendant Camelot Designs & Construction, LLC, and or

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Camelot Designs & Investments, LLC, westbound in the eastbound lanes of the Queen Isabella Memorial Causeway.

9. Upon information and belief, Defendant Lara was celebrating his birthday at South Padre Island and was posting pictures of the event on social media when he decided to drive back to his home in Hidalgo County. However, Defendant Lara was highly intoxicated while driving the subject vehicle.

10. Defendant Lara's vehicle collided head-on with a 2008 red Kia passenger car driven by Plaintiff's decedent Mariah Desiree Enriquez, who was legally traveling eastbound on the Queen Isabella Causeway.

11. Plaintiff decedent Mariah Desiree Enriquez survived the accident but later died at the scene of the accident due to her fatal injuries.

12. Defendant Lara was arrested and charged with intoxication manslaughter, as he was under the influence of alcohol at the time of the crash and subsequently charged for intoxication manslaughter.

V. WRONGFUL DEATH

13. Defendants are liable to Plaintiffs for the wrongful death of Mariah Desiree Enriquez under Chapter 71 of the Texas Civil Practice and Remedies Code. Plaintiff Guadalupe Enriquez, Jr. brings this action pursuant to §§ 71.001 et seq. of the Texas Civil Practices & Remedies Code on behalf of all wrongful death beneficiaries.

14. As a direct and proximate result of the Defendant's negligence, Mariah Desiree Enriquez was killed. At the time of her death, Mariah was 20 years old with a life expectancy of 59.5 more years, according to the National Center for Health Statistics. Mariah, who resided with

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her father was a loving daughter who had a close relationship with her father, Guadalupe Enriquez, Jr.

15. Mr. Enriquez has suffered the loss of Mariah's love, companionship, comfort, care, assistance, protection, affection, society, and moral support. He has experienced mental anguish, grief and sorrow as a result of the death of his daughter, and is likely to continue to suffer for a long time in the future.

16. Plaintiff has suffered pecuniary loss from the loss of the care, maintenance, support, services, advice, counsel and reasonable contributions of a pecuniary value that he would, in reasonable probability, have received from Mariah during her lifetime had she lived.

17. These injuries and damages were proximately caused by the negligence and gross negligence of Defendants as set forth herein, and Plaintiffs seek all wrongful death damages allowed by law.

VI. SURVIVAL

18. Plaintiff Guadalupe Enriquez, Jr., as Representative of the Estate of Mariah Desiree Enriquez, also brings survival claims on behalf of the Estate against Defendants pursuant to §§ 71.021 of the Texas Civil Practice & Remedies Code.

19. Prior to her death, Mariah Desiree Enriquez suffered serious injuries when Defendants' vehicle collided head-on with her vehicle. Mariah experienced physical pain, suffering, and mental anguish before she died from her injuries.

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20. The Estate has a claim for the physical pain, suffering and mental anguish Mariah endured prior to her death as a result of Defendants' negligence and gross negligence. The Estate seeks all survival damages allowed by law.

VII. NEGLIGENCE OF DEFENDANT HUGO LARA

21. The collision made the basis of this suit and the resulting injuries and damages were proximately caused by the negligence and negligence per se of Defendant Hugo Lara. Defendant Lara operated the vehicle he was driving in a negligent manner because he violated the duty which he owed Plaintiffs to exercise ordinary care in the operation of the motor vehicle in one or more of the following respects:

- a. Defendant drove the wrong way on a one-way roadway in violation of Tex. Transp. Code § 542.301;
- b. Defendant drove while intoxicated in violation of Tex. Pen. Code § 49.04;
- c. Defendant drove a vehicle in willful or wanton disregard for the safety of persons or property in violation of Tex. Transp. Code § 545.401;
- d. Defendant drove on the wrong side of the roadway not passing another vehicle proceeding in the same direction in violation of Tex. Transp. Code § 545.051;
- e. Defendant failed to operate a vehicle as a person using ordinary prudent care would have done under the same or similar circumstances.

22. Each of these acts and/or omissions, whether taken singularly or in any combination, constitutes negligence and negligence per se which proximately caused the collision and injuries and other losses as specifically set forth herein.

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VIII. GROSS NEGLIGENCE OF DEFENDANT HUGO LARA

23. Defendant Lara's acts or omissions described above, when viewed from the standpoint of Defendant Lara at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Mariah Enriquez and others. Defendant Lara had actual, subjective awareness of the risk involved in the above-described acts or omissions but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Mariah Enriquez and others.

24. Based on the facts stated herein, Plaintiffs request exemplary damages be awarded to Plaintiffs from Defendant Lara.

IX. NEGLIGENCE OF DEFENDANT CAMELOT DESIGNS & CONSTRUCTION LLC

25. At all times material hereto, Defendant Hugo Lara was an employee of Defendant Camelot Designs & Construction LLC and was acting within the course and scope of his employment or official duties. Therefore, Defendant Camelot Designs & Construction LLC is liable under the doctrine of *Respondeat Superior* for the wrongful acts of Defendant Hugo Lara.

X. APPLICATION FOR TEMPORARY RESTRAINING ORDER

26. Plaintiffs incorporate by reference the allegations set forth above as if fully set forth herein. Plaintiffs request that this Court issue a Temporary Restraining Order, without notice to Defendants, and after notice and hearing, enter a Temporary Injunction during the pendency of this suit, enjoining Defendant Hugo Lara from:

- a. Destroying any social media posts;
- b. Destroying any data on his phone;

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- c. Destroying any text messages or other messaging applications like WhatsApp; and
- d. Destroying his cell phone.

27. It is probable that Plaintiffs will recover from Defendant Lara after a hearing on the merits. If Plaintiffs' application is not granted, harm is imminent because the information contained on Defendant Lara's phone and social media accounts goes to the heart of Plaintiffs' negligence and gross negligence claims. The phone and social media records will likely show that Defendant Lara was posting on social media shortly before driving while intoxicated and that he was aware of the risks of doing so. This evidence is critical to proving Plaintiffs' claims. If this evidence is deleted or destroyed, Plaintiffs will suffer irreparable harm.

28. The harm that will result if the temporary restraining order is not issued is irreparable. Plaintiffs have no adequate remedy at law because an award of damages will not retrieve the deleted evidence once it is gone. The threatened injury to Plaintiffs outweighs any possible damage to Defendants from the injunction. Plaintiffs are willing to post bond.

29. *Ex parte* relief is appropriate because there was not enough time to serve notice on the Defendants and hold a hearing before the evidence may be deleted or destroyed by Defendants. Plaintiffs fear that if Defendants receive notice of this Application before the restraining order is signed, Defendants may take steps to delete or destroy the evidence at issue.

XI. REQUEST FOR TEMPORARY INJUNCTION

30. Plaintiffs ask the Court to set their application for temporary injunction for a hearing and, after the hearing, issue a temporary injunction against Defendant Hugo Lara.

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XII. DAMAGES

31. Plaintiffs seek wrongful death damages including pecuniary losses, mental anguish, loss of companionship, and loss of inheritance pursuant to Chapter 71 of the Texas Civil Practice and Remedies Code. Plaintiffs also seek survival damages for the conscious pain and suffering Mariah Desiree Enriquez endured prior to her death. Plaintiffs seek monetary relief over \$1,000,000.

32. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs seek monetary relief over \$1,000,000. Plaintiffs seek all damages that they are entitled to under law, including but not limited to actual damages, exemplary damages, statutory damages, pre-judgment interest, and post-judgment interest.

XIII. JURY DEMAND

33. Plaintiffs hereby request a trial by jury pursuant to Rule 216 of the Texas Rules of Civil Procedure and tender the jury fee.

XIV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs ask that Defendants be cited to appear and answer herein, that a temporary restraining order be issued without notice to Defendants, that the Court set a hearing on Plaintiffs' application for a temporary injunction, and that upon a final hearing of the cause, judgment be entered for Plaintiffs against Defendants for:

- a. All wrongful death damages;
- b. All survival damages;
- c. Exemplary damages;

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- d. Pre-judgment interest as allowed by law;
- e. Post-judgment interest as allowed by law;
- f. Costs of suit;
- g. A temporary restraining order, temporary injunction, and permanent injunction as requested herein; and
- h. Such other and further relief to which Plaintiffs may be entitled at law or in equity.

Respectfully Submitted,

MOORE LAW FIRM

4900 North 10th Street, Suite F3

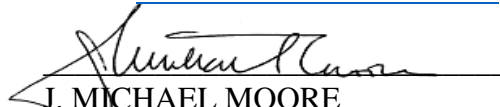
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Associated Case Party: Guadalupe Enriquez

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Lit Docket		lit-docket@moore-firm.com	6/4/2024 6:35:21 PM	SENT