

CAUSE NO. C-3294-24-B

SONIA HERNANDEZ AND JOSE	§	IN THE DISTRICT COURT
RAMIREZ, INDIVIDUALLY AND ON	§	
BEHALF OF THE ESTATE OF CALEB	§	
RAMIREZ, DECEASED,	§	
PLAINTIFFS	§	
V.	§	
	§	
	§	OF HIDALGO COUNTY, TEXAS
THE CITY OF PHARR POLICE	§	
DEPARTMENT, ORLANDO CASTILLO,	§	
AUREA E. CASTILLO AND VICENTE A.	§	
CASTILLO, INDIVIDUALLY AND AS	§	
PARENTS OF ALEX CASTILLO, THEIR	§	
MINOR SON, AND ALEX CASTILLO,	§	
DEFENDANTS	§	_____ JUDICIAL DISTRICT

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**PLAINTIFFS' ORIGINAL PETITION AND  
APPLICATION FOR INJUNCTIVE RELIEF**

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

Plaintiffs Sonia Hernandez and Jose Ramirez, Individually and on behalf of the Estate of Caleb Ramirez, deceased, file this Original Petition and Application for Injunctive Relief against the City of Pharr Police Department, Orlando Castillo, Aurea E. Castillo and Vicente A. Castillo, individually and as parents of Alex Castillo, their minor child, and Alex Castillo, Defendants, and for cause of action would show as follows:

**DISCOVERY LEVEL**

1. Plaintiffs intend to conduct discovery under Level 3, pursuant to Rule 190.4 of the Texas Rules of Civil Procedure.

**STATEMENT OF MONETARY RELIEF**

2. In accordance with Texas Rules of Civil Procedure 47(c), Plaintiffs seek to discovery the truth behind the wrongful death of their son Caleb, and to recover damages in excess of \$1,000,000.00.

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**PARTIES**

3. Plaintiffs are statutory beneficiaries entitled to begin this wrongful death action pursuant to §71.004 of the Texas Civil Practice & Remedies Code as result of the death of their minor son, Caleb Ramirez. Plaintiffs Sonia Hernandez and Jose Ramirez are the natural surviving parents of Caleb Ramirez. They are citizens of the United States of America and residents of Hidalgo County, Texas.

4. Defendant City of Pharr Police Department is a municipality in Hidalgo County, Texas, and may be served with process by serving its City Manager, Dr. Jonathan B. Flores, at 118 S. Cage Blvd., Pharr, Texas 78577, or wherever he may be found.

5. Defendant Orlando Castillo is an individual residing in Hidalgo County, Texas, and may be served with citation at 200 E. 7<sup>th</sup>, San Juan, Texas 78589, or any other place where Defendant may be found.

6. Defendant Aurea E. Castillo is an individual residing in Hidalgo County, Texas, and may be served with citation at 200 E. 7<sup>th</sup>, San Juan, Texas 78589, or any other place where Defendant may be found.

7. Defendant Vicente A. Castillo is an individual residing in Hidalgo County, Texas, and may be served with citation at 200 E. 7<sup>th</sup>, San Juan, Texas 78589, or any other place where Defendant may be found.

8. Defendant Alex Castillo is an individual residing in Hidalgo County, Texas, and may be served with citation at 200 E. 7<sup>th</sup>, San Juan, Texas 78589, or any other place where Defendant may be found.

**JURISDICTION AND VENUE**

9. The subject matter in controversy is within the jurisdictional limits of this Court. Venue is proper in Hidalgo County, Texas, because it is the county of Defendants' residence at the time this cause of action accrued. Furthermore, the events giving rise to this action occurred in Hidalgo County, Texas.

**STATEMENT OF FACTS**

10. At or about 7:00 pm, April 26, 2024, Caleb Ramirez was riding his bicycle in front of his home. Caleb sustained catastrophic injuries that resulted in his death when

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he was plowed over by a reckless, distracted driver of a 2019 GMC Sierra Pickup Truck, VIN 3GTP9EEL3KG183106, bearing Texas license plate TRW9273 (the “GMC Sierra Truck”) owned by Defendant Orlando Castillo. Caleb had just exited the driveway of his home located at the 700 block of E. Eller Street in Pharr, Texas. He was acting as a reasonable and prudent young boy riding a bicycle in his own neighborhood. Before crossing the street, Caleb looked both ways for traffic and saw that there were no vehicles moving in either direction.

11. Meanwhile, the driver of the GMC Sierra Truck was stopped on the wrong side of the road facing the wrong direction for that lane of travel. Suddenly and without warning, the driver of the GMC Sierra Truck rapidly accelerated, striking the rear of Caleb’s bicycle, plowing Caleb over. The driver failed to immediately stop and render aid. Instead, the driver continued to speed down the street away from the scene until witnesses flagged him down and made him return.

12. After excruciating pain and suffering, Caleb expired, killed right in front of his home. Law enforcement officers from Pharr Police Department responded to the emergency. However, on information and belief, the investigating officers failed to require the driver to submit to a drug and alcohol screen, despite the fact that this was an auto/pedestrian fatality of a minor child. Instead, the investigating officers released the driver to his mother, who promptly whisked him away from the scene.

13. Law enforcement initially reported that the driver of the GMC Sierra Truck was backing up when it ran over Caleb. This report was false. Only after video from security and surveillance cameras were secured by Caleb’s family and shown to police did the report get corrected. Nevertheless, Pharr Police Department refused to inform the parents the identity of the driver who killed their son.

14. Plaintiffs, through their attorney, made two Open Records Requests to the City of Pharr/Pharr Police Department. Plaintiffs are seeking complete incident reports, supplemental narrative reports, body cams, dash cams, witnesses, witness statements, photos, call logs, dispatch logs, 911 calls, field notes, measurements, diagrams, toxicology reports, data from the GMC Sierra Truck’s event data recorder, reconstruction reports

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and cell phone records obtained from the driver's phone. In response to the first request dated May 10, 2024, the City of Pharr/Pharr Police Department refused to produce information pertaining to the incident. The City of Pharr/Pharr Police Department failed to respond to the second request dated May 31, 2024. A formal written demand was made that all evidence be preserved and not destroyed, altered or modified in any way.

15. On May 14, 2024, another media released a story quoting from the Crash Report. The Crash Report was never provided to Caleb's parents. They had to learn of the results of the investigation through social media. According to the Crash Report, the GMC Sierra Truck was being driven by Defendant Alex Castillo, an unlicensed 17 year old. According to the diagram in the Crash Report, Defendant Alex Castillo was driving on the wrong side of the road when he struck the rear of Caleb's bicycle and ran him over as he tried to flee the scene before being stopped by witnesses.

**GROSS NEGLIGENCE OF DEFENDANTS AUREA E. CASTILLO AND VICENTE A. CASTILLO, INDIVIDUALLY AND AS PARENTS OF ALEX CASTILLO, THEIR MINOR SON, AND ALEX CASTILLO**

16. Based on and relying on the Crash Report, Defendant Alex Castillo is reported as the driver who killed Caleb. Defendant Alex Castillo is guilty of gross negligence. At the time of the crash, Defendant Alex Castillo was a minor. His parents are Defendants Aurea E. Castillo and Vicente A. Castillo, and they are vicariously liable for his conduct. At the time, Defendant Alex Castillo was an unlicensed driver and had no business behind the wheel of the GMC Sierra Truck driving on public roadways. Furthermore, at the moment of impact, Defendant Alex Castillo accelerated recklessly and dangerously while traveling in the wrong (opposite) lane of travel in violation of Section 545.051, Texas Transportation Code and common sense.

17. Defendant Alex Castillo breached the duty of care in countless ways, including: (1) operating a motor vehicle when he was unlicensed and incompetent; (2) failing to operate a motor vehicle as a reasonable person operating a motor vehicle would do; (3) failing to maintain a proper lookout; (4) accelerating in a reckless and dangerous manner; (5) failing to travel at a safe speed; (6) failing to drive in the proper lane of travel;

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(7) driving while distracted; (8) driver inattention; (9) failing to avoid the collision; (10) failing to timely apply his brakes; and (11) failing to take proper evasive action. Furthermore, on information and belief, Defendant Alex Castillo was under the influence of drugs and/or alcohol at the time of the collision.

18. The gross negligence of Defendant Alex Castillo directly and proximately caused the wrongful death of Caleb Ramirez and the resulting damages to his parents, the Plaintiffs in this action.

**GROSS NEGLIGENCE OF DEFENDANT ORLANDO CASTILLO**

19. Defendant Orlando Castillo is the older brother of Defendant Alex Castillo. Defendant Orlando Castillo is the owner of the GMC Sierra Truck. Defendant Orlando Castillo was grossly negligent when he entrusted his GMC Sierra Truck to Defendant Alex Castillo, who he knew was unlicensed, incompetent and reckless. Furthermore, Orlando Castillo is an “influencer” on social media. He and his brother Defendant Alex Castillo routinely appear together on social media flaunting the use of alcoholic beverages and hard drugs such as cocaine. Thus, Defendant Orlando Castillo knew that his little brother, who was a minor at the time of the incident, was likely to operate the GMC Sierra Truck under the influence of alcohol and/or drugs. The negligent entrustment is a direct and proximate cause of the wrongful death of Caleb and the resulting damages to his parents, the Plaintiffs in this action.

**DAMAGES PURSUANT TO TEXAS SURVIVAL STATUTE**

20. Caleb sustained catastrophic injuries causing him untold conscious pain and suffering and mental anguish before his death. suffered fatal injuries as a result of the collision. Plaintiffs bring this claim under the Texas Survival Statute against Defendant Alex Castillo and Defendant Orlando Castillo seeking recovery for Caleb’s pain and suffering and mental anguish endured prior to his untimely death. Plaintiffs also seek to recover medical, funeral and burial expenses.

**DAMAGES PURSUANT TO TEXAS WRONGFUL DEATH STATUTE**

21. As the surviving natural parents of Caleb Ramirez, Plaintiffs are beneficiaries entitled to recover for the wrongful death of their son. Plaintiffs seek

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recovery of all elements of damages recoverable under Texas law, including loss of consortium, loss of companionship and society by virtue of the destruction of the parent/child relationship, the loss of the positive benefits flowing from the love, comfort, companionship, and society that they received and, in reasonable probability, would have continued to receive from Caleb had he lived. Plaintiffs also seek to recover for their untold severe mental anguish in the form of emotional pain, torment, and suffering related to the untimely death of their son.

**CONDITIONS PRECEDENT AND CAPACITIES**

22. All conditions precedent to recovery have been performed or have occurred. Plaintiffs bring these claims in all capacities in which they are able to recover and in all capacities against Defendants in which they may be liable.

**APPLICATION FOR TRO AND TEMPORARY INJUNCTION**

23. Plaintiffs request that a temporary restraining order be issued against Defendant City of Pharr Police Department, Defendant Orlando Castillo, Defendants Aurea E. Castillo and Vicente A. Castillo, individually and as parents of Alex Castillo, and Defendant Alex Castillo, and all those acting in active concert with them (collectively "Respondents") to restrain them from tampering with, altering, spoliating, and/or hiding relevant evidence in this case, including the GMC Sierra Truck and the cell phones of Defendants Orlando Castillo, Aurea E. Castillo, Vicente A. Castillo, and Alex Castillo, the complete incident reports, supplemental narrative reports, body cams, dash cams, witnesses, witness statements, photos, call logs, dispatch logs, 911 calls, field notes, measurements, diagrams, toxicology reports, data from the GMC Sierra Truck's event data recorder, reconstruction reports and cell phone records obtained from the driver's phone (collectively, "the Relevant Evidence").

24. If Plaintiffs' application for relief is not granted, harm is imminent and irreparable because the Relevant Evidence may be spoliated, modified, altered or hidden and thereby forever lost. There is insufficient time to serve notice on Respondents (counsel for the City of Pharr will be given notice) and to hold a hearing on this request for a temporary restraining order. This application for TRO and temporary injunction

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seeks to preserve the status quo. Plaintiffs have no adequate remedy at law if the Relevant Evidence is lost, spoliated, destroyed, modified, altered or hidden.

25. Plaintiffs respectfully request that a temporary restraining order be issued without notice and that the following relief be provided therein: (1) a Temporary Restraining Order prohibiting Respondents from spoliating, destroying, disposing, deleting, erasing, modifying, altering or hiding any of the Relevant Evidence; and (2) an Order authorizing Plaintiffs' counsel and their representatives to inspect, examine, photograph and video record the GMC Sierra Truck as well as the cell phones of Defendants Orlando Castillo, Aurea E. Castillo, Vicente A. Castillo, and Alex Castillo.

26. Plaintiffs ask that, after notice and hearing, the Temporary Restraining Order be made a temporary injunction pending a trial on the merits.

**PRAYER**

Plaintiffs ask that Defendants be cited to appear and answer, and that Plaintiffs be awarded the following: injunctive relief against all Defendants as requested, and a judgment against Defendants Orlando Castillo, Aurea E. Castillo and Vicente A. Castillo, individually and as parents of Alex Castillo, their minor son, and Alex Castillo, jointly and severally, for Plaintiffs' actual and special damages, exemplary damages, prejudgment and post-judgment interest, court costs, and all other relief to which Plaintiffs may be entitled.

Respectfully submitted,



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**ATTORNEY FOR PLAINTIFFS**

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OF HIDALGO COUNTY, TEXAS

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**AFFIDAVIT / VERIFICATION**

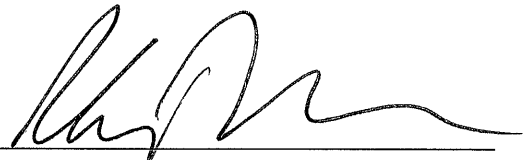
THE STATE OF TEXAS §

COUNTY OF HIDALGO §

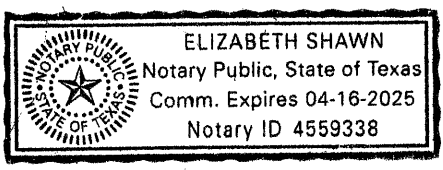
BEFORE ME, the undersigned official, on this day personally appeared Raymond L. Thomas, who is personally known to me, and first being duly sworn according to law upon his oath deposed and said:

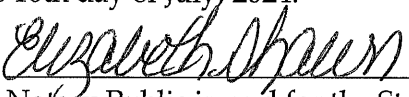
"My name is Raymond L. Thomas. I am the attorney for Plaintiffs. Under Rule 14, Texas Rules of Civil Procedure, as attorney for Plaintiffs, I verify on information and belief the factual statements in Plaintiffs' Original Petition and Application for Injunctive Relief are true and correct to the best of my information and belief."

Further affiant sayeth not.

  
\_\_\_\_\_  
Raymond L. Thomas

SUBSCRIBED AND SWORN TO this 16th day of July, 2024.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: 4-16-2025