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Potter County, Texas
By KP Deputy

CAUSE NO. 109874-C-CV

Jamie Wazelle; Tay Aung; Elizabeth Casel; §
Manivanh Chanthanakhone; Manuel §
Contreras; Rebeca Corral; Patricia Cossey; §
Jozette Escoto; Cruz Garcia, Sr.; Sheryl §
Gardner; Denetria Gonzalez; Rene Gutierrez §
Brian Hall; Brandon Ivory; Nini Aye §
Kayaphu; Ko Latt; Armando Lira; Derestia §
Lira; Mya Lira; Valarie Lira; Aung Moe; Bi §
Morris; Maleak Rector; Maricela Rios; §
Natasha Rios; Guadalupe Rondan; Miguel §
Rondan; Javier Rubio; Ignacio Ruiz; Sylvia §
Ruiz; Mitchell Sanchez; Billy Shaw; Kyaw §
Soe; Nyein Soe; Thida Soe; Breana Solis; §
Ladonna Trull; and Tin Soe Individually and §
as Personal Representative of the Estate of §
Maung Maung Tar, §

Plaintiffs

vs.

Ernesto Sanchez, Kevin Kinikin, and Farren §
Fernandez §

Defendants

IN THE DISTRICT COURT OF

POTTER COUNTY, TEXAS

251st TH JUDICIAL DISTRICT

ORIGINAL PETITION

Jamie Wazelle; Tay Aung; Elizabeth Casel; Manivanh Chanthanakhone; Manuel Contreras; Rebeca Corral; Patricia Cossey; Jozette Escoto; Cruz Garcia, Sr.; Sheryl Gardner; Denetria Gonzalez; Rene Gutierrez; Brian Hall; Brandon Ivory; Nini Aye Kayaphu; Ko Latt; Armando Lira; Derestia Lira; Mya Lira; Valarie Lira; Aung Moe; Biak Morris; Maleak Rector; Maricela Rios; Natasha Rios; Guadalupe Rondan; Miguel Rondan; Javier Rubio; Ignacio Ruiz; Sylvia Ruiz; Mitchell Sanchez; Billy Shaw; Kyaw Soe; Nyein Soe; Thida Soe; Breana Solis; Ladonna Trull; and Tin Soe, Individually and as Personal Representative of the Estate of Maung Maung Tar ("Plaintiffs") complains of Ernesto Sanchez; Kevin Kinikin; and Farren Fernandez

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Potter County, Texas
By [Signature] Deputy

(collectively “Defendants”) and will respectfully show the Court the following:

I.

NATURE OF ACTION

1. This is an action to recover damages after Plaintiffs contracted COVID-19 while working at Tyson’s meatpacking plant in Amarillo, Texas.

II.

DISCOVERY

2. Discovery in this matter may be conducted under Level 2 of the Texas Rules of Civil Procedure.

III.

JURISDICTION AND VENUE

3. Plaintiffs’ claims arise under the laws of Texas.

4. The Court has jurisdiction over this case because Plaintiffs seek damages within the jurisdictional limits of this Court. Additionally, Plaintiffs bring their claims under Texas state law and do not seek to make any claims that are pre-empted by federal law. Put differently, Plaintiffs allege that Defendants failed to provide them with a safe place to work and failed to follow appropriate guidelines and recommendations to avoid the spread of COVID-19.

5. Further, this case is not removable because Plaintiffs have not made any federal claims and complete diversity of citizenship is lacking because Plaintiffs and Defendants are citizens of the state of Texas.

6. Venue is proper in this County pursuant to Texas Civil Practice and Remedies Code Section 15.002(a)(3) because one or more Defendants resides in this County. Venue is also proper under Texas Civil Practice and Remedies Code Section 15.002(a)(1) because the acts or omissions

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giving rise to this suit occurred in this County.

IV.

PARTIES

7. Plaintiff Jamie Wazelle is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

8. Plaintiff Tay Aung is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

9. Plaintiff Elizabeth Casel is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

10. Plaintiff Manivanh Chanthanakhone is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

11. Plaintiff Manuel Contreras is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

12. Plaintiff Rebeca Corral is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

13. Plaintiff Patricia Cossey is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at

the Amarillo, Texas facility.

14. Plaintiff Jozette Escoto is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

15. Plaintiff Cruz Garcia, Sr. is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

16. Plaintiff Sheryl Gardner is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

17. Plaintiff Denetria Gonzalez is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

18. Plaintiff Rene Gutierrez is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

19. Plaintiff Brian Hall is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

20. Plaintiff Brandon Ivory is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

21. Plaintiff Nini Aye Kayahphu is a resident of Texas. Plaintiff worked at Tyson's

Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

22. Plaintiff Ko Latt is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

23. Plaintiff Armando Lira is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

24. Plaintiff Derestia Lira is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

25. Plaintiff Mya Lira is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

26. Plaintiff Valarie Lira is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

27. Plaintiff Aung Moe is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

28. Plaintiff Biak Morris is a resident of Texas. Plaintiff worked at Tyson's Amarillo, Texas facility and contracted COVID-19 because of the unsafe working conditions at the Amarillo, Texas facility.

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