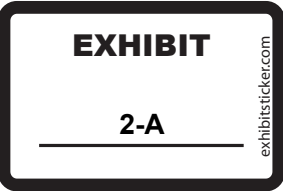


Gabriel Garcia, District Clerk
Brazos County, Texas
Samantha McQueen
Envelope# - 48615591

THE STATE OF TEXAS, COUNTY OF BRAZOS
I, Gabriel Garcia, Clerk of the District of Brazos County, Texas,
do hereby certify that the foregoing is a true and correct copy
of the original, this certifying that the same has been
examined in Case No. 20-003136-CV-361
TEST: Gabriel Garcia
GABRIEL GARCIA, District Clerk, Brazos County, Texas
By: Deputy



20-003136-CV-361

CAUSE NO. _____

WILLIAM BOOKER § **IN THE DISTRICT COURT OF**
§
vs. § **BRAZOS COUNTY, TEXAS**
§
SANDERSON FARMS, INC. § 361st **JUDICIAL DISTRICT**

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW WILLIAM BOOKER, Plaintiff herein, and complains of Sanderson Farms, Inc. and for causes of action will show unto the Court as follows:

I.
DISCOVERY CONTROL PLAN

1.1 Plaintiff intends discovery to be conducted under a Discovery Level 2 plan pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

II.
PARTIES AND SERVICE

2.1 Plaintiff, **William Booker** (hereinafter "Mr. Booker") is an individual and a resident of Harris County, Texas. The last three digits of Mr. Booker's Texas driver's license are 048.

2.2 Defendant, **Sanderson Farms, Inc.** (hereinafter referred to as "Sanderson Farms" or "Defendant") is a foreign for-profit corporation, and it may be served through its registered agent, CT Corporation System, located at 1999 Bryan St., Ste. 900, Dallas, Texas 75201, or wherever it may be found.

III.
JURISDICTION AND VENUE

3.1 The subject matter and amount in controversy are within the jurisdictional limits of this court. Plaintiff seeks monetary relief which does not exceed the sum or value of \$250,000.00, exclusive of interest and costs.

3.2 This court has jurisdiction over Defendant, because Defendant purposefully availed itself of the privilege of conducting activities in the State of Texas. It has established minimum contacts sufficient to confer jurisdiction over it and the assumption of jurisdiction over the Defendant will

not offend traditional notions of fair play and substantial justice. It is also consistent with the constitutional requirements of due process.

3.3 Venue is proper in Brazos County because all or a substantial part of the events or omissions giving rise to the lawsuit occurred in Brazos County, Texas.

IV. BACKGROUND FACTS

4.1 On or about December 2018, William Booker was an employee of and performing work at the direction and supervision of Sanderson Farms in Bryan, Brazos County, Texas. At that time, Sanderson Farms did not have workers' compensation insurance coverage, pursuant to the Texas Workers' Compensation Act, Texas Labor Code, Section 406.004.

4.2 While working for and at the behest and direction of Sanderson Farms, Mr. Booker was given a ladder to use in the performance of his job-related tasks. While attempting to perform work on a machine, the ladder broke, causing Mr. Booker to suddenly and unexpectedly to be thrown against the machine and then to the concrete floor. Mr. Booker was thrown to the ground due to the faulty equipment provided by Sanderson Farms in furtherance of his job duties. Mr. Booker alerted a supervisor to the incident, and the supervisor subsequently instructed another employee to throw the broken ladder away.

4.3 After the accident, Mr. Booker was referred to a company-approved doctor, who prescribed Tramadol to him for the pain he experienced from the injuries he sustained, and then released him to return to work. Upon returning to work, during the required check-in at the nurse's station, Mr. Booker was asked if he had taken his prescription medication before his shift. Mr. Booker confirmed that he had, in fact, taken his medication as prescribed. The nurse, an employee of Sanderson Farms, then informed Mr. Booker that he was in violation of the company's drug and alcohol use policies and would have to be terminated. When Mr. Booker requested to see the Employee Handbook in which this policy is outlined, the nurse could not produce it. Mr. Booker's employment was ultimately terminated just weeks after he sustained his workplace injury in what was clearly a move to evade financial responsibility for Mr. Booker's injuries.

4.3 Due to Sanderson Farm's action/inaction, as stated above, Plaintiff suffered serious personal injuries for which he sought medical care. Also, Plaintiff suffered lost wages, pain and suffering and other economic damages.

V.
PLAINTIFF'S CLAIM AND CAUSE OF ACTION

5.1 Mr. Booker has suffered serious damages which arise from each of the Defendant's wrongful actions and/or inactions as described above. Therefore, Mr. Booker asserts the following claim and cause of action against the Defendant.

Negligence

5.2 All allegations and facts previously set forth above are contained in this section by reference, as if fully set forth herein. Additionally, and in the alternative to the other claims made herein, Mr. Booker seeks recovery from the Defendant based upon its negligence.

5.3 Defendant's agents, servants, and employees negligently failed to provide proper safety equipment, negligently failed to provide proper oversight of employees performing risky tasks, negligently failed to enact policies and procedures that ensured the safety of its employees, negligently or willfully allowed such conditions to continue and negligently or willfully failed to warn Plaintiff of the danger involved with his work assignments. These conditions existed despite the fact that Defendant's agents knew or should have known of the existence of the aforementioned conditions and that there was likelihood of a person being injured, as occurred to Plaintiff.

5.4 At all times pertinent herein, Defendant, and any of Defendant's agents, who were acting in the scope of their employment, was guilty of negligent conduct toward the Plaintiff, in at least following particulars:

- A. Failing to properly inspect and maintain the work area in question to discover the dangerous condition;
- B. Failing to maintain the ladder in a reasonably safe condition;
- C. Failing to give adequate and understandable warnings to Plaintiff of the dangerous risks involved in specific tasks;
- D. Failing to give warnings to Plaintiff of the unsafe condition;
- E. Failing to remedy the condition causing the fall;
- F. Failing to provide adequate lighting of the area in question; and
- G. Failing to remedy the safety procedure shortcomings within a reasonable time.

5.5 The Defendant's negligence proximately caused Mr. Booker to suffer economic and non-economic damages involving his loss of wages, personal injuries, and including physical and emotional anguish.

VI.
DAMAGES

6.1 Mr. Booker seeks monetary relief which does not exceed the sum or value of \$250,000.00, exclusive of interest and costs. Mr. Booker is entitled to at least the following elements of damages:

- A. actual damages (special and general) - in including but not necessarily limited to the following:
1. Physical pain and mental anguish in the past;
 2. Physical pain and mental anguish that, in reasonable probability, Plaintiff will sustain in the future;
 3. Physical impairment that, in reasonable probability, Plaintiff will sustain in the future;
 4. Physical impairment in the past;
 5. Disfigurement sustain in the past;
 6. Disfigurement that, in reasonable probability, Plaintiff will sustain in the future;
 7. Loss of income/earning capacity in the past;
 8. ~~Loss of income/earning capacity that, in reasonable probability, Plaintiff will sustain in the future;~~
 9. Property damages, including loss of use thereof;
 10. Medical expenses in the past; and
 11. Medical expenses that, in all probability, Plaintiff will sustain in the future.
- B. court costs; and
- C. prejudgment and post judgment interest.

VII.
REQUEST FOR DISCLOSURE

7.1 Pursuant to Texas Rules of Civil Procedure 194(a)-(l), Mr. Booker requests that the Defendant provides all material and information requested and permitted to be discovered in said Rule.

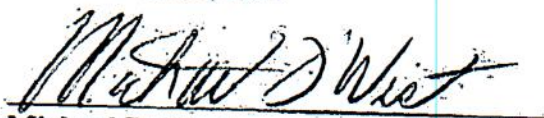
PRAYER

WHEREFORE, PREMISES CONSIDERED, William Booker brings this lawsuit to collect from the Defendant, based upon its actions/inactions described above, all available damages, as well as punitive damages, after a trial on the merits. Mr. Booker seeks from the Defendant all of his actual damages (special and general), pre and post judgment interest, attorney's fees and costs, punitive damages, and all relief available at law or in equity or as may be supported by justice.

Respectfully submitted,

WEST & WEST, LLP

By:



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