

CAUSE NO. 2022-DCL-02981

JESUS CASTRO
Plaintiff,

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IN THE DISTRICT COURT OF

v.
CCC GROUP, INC., SPACE
EXPLORATION TECHNOLOGIES CORP.,
DOGLEG PARK, LLC, PLATINUM
ELECTRICAL SERVICES, INC., and
JC CONCRETE & SONS, LLC
Defendants.

CAMERON COUNTY, TEXAS

357TH JUDICIAL DISTRICT

DEFENDANT JC CONCRETE & SONS, LLC'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, JC CONCRETE & SONS, LLC, (referred to hereinafter as Defendant) herein, and file this its Original Answer, and for such answer respectively show unto the Court the following:

I.
GENERAL DENIAL

1. Subject to such stipulations and admissions as may hereinafter be made, Defendant asserts a general denial as is authorized by Rule 92 of the Texas Rules of Civil Procedure, and respectfully requests that the Court require the Plaintiff to prove the charges and allegations made against this Defendant by a preponderance of the evidence, if Plaintiff can, as is required by the Constitution and laws of the State of Texas.

II. DEFENSES

2. Pleading further in the alternative, Defendant would show that the alleged occurrence made the basis of this lawsuit was the result of circumstances and/or events that were not of Defendant's own creation or within Defendant's control.

3. Pleading further in the alternative, Defendant specifically pleads and reserves the following rights as guaranteed by Chapter 33, Texas Civil Practice & Remedies Code:

- a. The right to elect the application of credit toward any judgment which may be obtained in this case;
- b. The right to determination by the trier of fact on the issues of the percentage of responsibility of each claimant, each defendant, each contributing person, each liable defendant and each settling person;
- c. The right to a full reduction or limitation of any sums which may be recovered by the claimant; and
- d. The right to contribution from any other person or entity found to be liable to the Plaintiff.

4. Pleading further in the alternative, Defendant would state that the occurrence in question was the result of and solely caused by persons, factors, instrumentalities, circumstances and conditions over which it had no control or right of control.

5. Pleading further in the alternative, Defendant asserts that it did not breach any legal duty they allegedly owed Plaintiff.

6. Pleading in the alternative, Defendant would state that the occurrence in question and the alleged damages were the result of a new, independent, and intervening cause which was unforeseeable, was a superseding cause of the alleged injuries, and moreover unknown and/or unknowable to Defendant.

7. Pleading further in the alternative, Defendant alleges that in accordance with Texas Civil Practice and Remedies Code §33.013, a defendant may not be held jointly and severally liable for any amount of damages claimed herein unless the percentage of that defendant's responsibility, when compared with that of each responsible party, settling party and each responsible third party is greater than fifty percent (50%). Accordingly, Defendant specifically denies any claims for the imposition of joint and several liability against it.

8. Pleading further in the alternative Defendant alleges that its case is governed by the 1995 Tort Reform Amendments and 2003's HB4. As a consequence, Plaintiff may not recover any amount of damages if her percentage of responsibility is greater than fifty percent (50%), regardless of the theory of recovery pled. Tex. Civ. Prac. & Rem. Code §33.001.

9. Pleading further in the alternative, Defendant alleges that the acts, omissions, and/or negligence of the Plaintiff or other third parties was the sole proximate cause or a new and independent cause of the accident and alleged injuries complained of in this lawsuit.

10. Defendant asserts that on the occasion in question, Plaintiff, **JESUS CASTRO**, was himself guilty of acts, wrongs and omissions, each of which constituted negligence, misuse, negligence per se and comparative responsibility, and each of which was the sole cause, and alternatively, a proximate and producing cause of the occurrence in question and the alleged damages. Defendant further alleges that the acts of Plaintiff, in failing to use ordinary care for her safety, was fifty-one percent (51%) of the total cause of the alleged injuries to Plaintiff, if any.

11. Pleading further in the alternative, Defendant alleges that it did not create a dangerous condition.

12. Pleading further in the alternative, Defendant alleges that it neither knew nor should have known of the alleged condition (if any) that allegedly posed an unreasonable risk of harm.

13. Pleading further in the alternative, Defendant alleges it exercised reasonable care in controlling and/or making safe the premises in question.

IV.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant, JC CONCRETE & SONS, LLC respectfully prays for the following:

Upon a final hearing or trial hereof, that the Plaintiff recover nothing of and from this Defendant;

In the unlikely event that liability and/or damages are found against this Defendant, that this Defendant, in addition to the relief sought in its answer in this case, have the following: (1) responsibility be assigned to Plaintiff in any jury charge submitted in this case under Chapter 33 of the Texas Civil Practice and Remedies Code; and (2) recovery of costs of suit; and

Such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

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LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all parties, or their attorneys of record, in compliance with the Texas Rules of Civil Procedure on this 17th day of August, 2023.

/s/ David L. Flores
David Flores

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