

CC-22-00369-D

CAUSE NO. _____

JACQUELINE CLAIRE DURAND,	§	IN THE COUNTY COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	AT LAW NO. _____
ASHLEY JO BISHOP, Individually and as	§	
Trustee of the BISHOP FAMILY TRUST; and	§	
JUSTIN AVERY BISHOP, M.D., Individually	§	
and as Trustee of the BISHOP FAMILY TRUST;	§	
	§	DALLAS COUNTY, TEXAS
<i>Defendants.</i>	§	

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Jacqueline Claire Durand ("***Plaintiff***" or "***Jacqueline***") files this Original Petition against Ashley Jo Bishop, Individually and as Trustee of the Bishop Family Trust, and Justin Avery Bishop, M.D., Individually and as Trustee of the Bishop Family Trust (collectively, "***Defendants***").

In support, Plaintiff states the following:

SUMMARY

Jacqueline Durand loves dogs. She loves dogs so much that she started working as a dog sitter and walker to earn extra money while a full-time student at the University of Texas at Dallas. But Jacqueline never expected that her love of dogs would cost her so much.

On December 23, 2021, Jacqueline went to the home of Ashley Bishop and Dr. Justin Bishop to walk their dogs—including Lucy, a German Shepherd mix-breed, and Bender, a Pit Bull mix-breed (collectively, the "***Dogs***"). As soon as Jacqueline opened the front door—without provocation—the Dogs, who the Bishops had left out of their kennels, pushed the door open and brutally attacked Jacqueline.

The Dogs knocked Jacqueline off balance, causing her to fall and drop her cell phone. Then, the Dogs violently attacked her head and face—mauling her catastrophically. The Dogs were so violent and blood thirsty that they pulled all of Jacqueline's clothes off, including her blue jeans. The Dogs tore off and ate both

of Jacqueline's ears, her nose, her lips, and most of her face below her eyes. In their prolonged attack, the Dogs left puncture wounds over most of her entire body. When she was finally pulled out of the house, Jacqueline was taken immediately to a Level 1 trauma center where she has since undergone multiple surgeries.

Despite their Dogs' vicious attack and mauling of Jacqueline, the Bishops continue to defend their Dogs. However, an ominous sign on the Bishops' front door shows that they actually knew or reasonably should have known of the Dogs' dangerous propensities.



I.

DISCOVERY CONTROL PLAN

1. Plaintiff intends to pursue discovery in the above-styled and numbered cause under Level 3, pursuant to Texas Rules of Civil Procedure 190.1 and 190.4.

II.

JURY DEMAND

2. Plaintiff hereby demands a jury trial and tenders the proper jury fee.

III.

PARTIES

3. Plaintiff Jacqueline Claire Durand (Social Security No. xxx-xx-x617, Texas Driver's License No. xxxxx742) is an individual residing in Coppell, Dallas County, Texas.

4. Defendant Ashley Jo Bishop ("**Mrs. Bishop**") is an individual residing in Coppell, Dallas County, Texas, who also serves as a trustee of the Bishop Family Trust, which was established pursuant to a revocable declaration of trust, dated July 21, 2021. Bishop may be served with citation and process at her home address – 322 Spanish Moss Drive, Coppell, Texas 75019 – or wherever she may be found.

5. Defendant Justin Avery Bishop, M.D. ("**Dr. Bishop**") is an individual residing in Coppell, Dallas County, Texas, who also serves as a trustee of the Bishop Family Trust, which was established pursuant to a revocable declaration of trust, dated July 21, 2021. Dr. Bishop may be served with citation and process at his home address – 322 Spanish Moss Drive, Coppell, Texas 75019 – or wherever he may be found.

IV.

JURISDICTION AND VENUE

6. Venue is proper in Dallas County—pursuant to Section 15.002(a) of the TEXAS CIVIL PRACTICE & REMEDIES CODE—because (i) it is the county where the incident occurred and (ii) it is the county of Defendants' residence.

7. This Court has jurisdiction over this matter because Plaintiff's damages exceed the minimum jurisdictional limits of the Court.

V.

FACTUAL SUMMARY

8. Plaintiff's claims arise out of a vicious dog mauling that occurred on or about December 23, 2021, on the premises of the Bishop's House at 322 Spanish Moss Court, Coppell, Texas 75019 (the "**Bishop's House**"). At all relevant times, Plaintiff was an invitee of Defendants.

9. Plaintiff Jacqueline Claire Durand is a 22 year-old college student at the University of Texas at Dallas, who earns extra money by dog sitting and walking. Prior to December 23, 2021, Jacqueline met with Defendant Ashley Bishop at the Bishop's House to discuss a potential dog sitting job. With Mrs. Bishop present, Jacqueline met the Dogs without incident. Other than the "Crazy Dogs" sign hanging on the front door of the Bishop's House, Mrs. Bishop failed to provide Jacqueline with any warnings concerning the Dogs' dangerous propensities. However, Mrs. Bishop did note that the family kennels the Dogs when they are not home.

10. On December 23, 2021, Jacqueline went to the Bishop's House alone to care for the Dogs for the first time. Prior to her arrival, Mrs. Bishop texted and informed Jacqueline that—inconsistent with the Bishop's normal practice—they left the Dogs outside their kennels.

11. When Jacqueline opened the front door, the Dogs immediately attacked her, pushing the door open and knocking Jacqueline to the ground. In a bloodthirsty frenzy, the Dogs violently and brutally attacked Jacqueline's face, tearing off her ears, nose, lips, and most of her face below her eyes, narrowly missing her carotid artery. During this prolonged attack, the Dogs tore all of Jacqueline's clothes off, including her blue jeans, and left puncture wounds over the entirety of her body.

12. After a neighbor made an emergency call, municipal employees arrived and removed Jacqueline from the Bishop's House and transported her to a Level 1 trauma center where she has since undergone multiple surgeries with many more to come.

13. Upon information and belief, at all relevant times, the Bishops had direct control over the Dogs either (i) as the owners of the Dogs or (ii) as the custodians of the Dogs. At the time of this mauling, Defendants had direct control over whether the Dogs were kenneled.

14. Upon information and belief, Defendants allowed the Dogs to remain on or at their property after gaining knowledge that the Dogs had dangerous propensities. Upon information and belief, Defendants knew or had reason to know that the Dogs had dangerous propensities because of the Dogs' prior actions. Upon information and belief, Defendants knew that the Dogs had shown aggressive tendencies to any person arriving at the front door, as evidenced by the "Crazy Dogs" sign hanging on the Bishops' front door, which stated "Please Don't Knock or Ring Doorbell. Call or Text Instead" because of the Dogs' prior behavior.

15. At the time of the incident, Defendants caused to occur and exist on the premises an unreasonably dangerous condition that posed an unreasonable risk of harm, that being, unsecured dangerous dogs. This unreasonably dangerous condition was created, maintained, and/or allowed to exist on the premises by the Defendants who proximately caused the Plaintiff's damages by their failure to properly ensure the safety of invitees while on their premises.

16. Defendants knew or should have known of the existence of this unreasonably dangerous condition. This unreasonably dangerous condition on the premises was created by the Defendants prior to the time of the incident without warning to Plaintiff and others of the substantial risk of harm and related dangers such conditions posed.

17. Jacqueline sustained severe and catastrophic personal injuries because of this occurrence.

VI.

PREMISES LIABILITY ***(All Defendants)***

18. Plaintiff incorporates all prior and subsequent paragraphs as if fully restated and re-alleged herein.

19. Defendants created and maintained an unreasonably dangerous condition on their premises by—among other negligent acts or omissions and without limitation—(i) maintaining, possessing, and exercising control over the Dogs, (ii) failing to warn Plaintiff of the Dogs’ dangerous propensities, and (iii) leaving the two Dogs unsecured outside of their kennels. Such condition was a proximate cause of the incident.

VII.

NEGLIGENCE ***(All Defendants)***

20. Defendants were each negligent and failed to act as a person of ordinary prudence would under the same or similar circumstances. Upon information and belief, Defendants’ negligence includes, without limitation, failure to use ordinary care and prudence. Defendants were negligent in the following ways—among others:

- Maintaining and possessing the Dogs;
- Maintaining and possessing dangerous dogs;
- Failing to warn Plaintiff of the Dogs’ dangerous propensities;
- Failing to control the Dogs;
- Failing to secure or restrain the Dogs;
- Failing to kennel the Dogs while unattended;
- Failing to conduct sufficient due diligence on their foster animals;
- Failing to train the Dogs;
- Owning, keeping, or harboring more than four animals over six months of age;
- Failing to exercise ordinary care and prudence; and
- Failing to provide a safe environment for their invitees.

21. Each of the foregoing acts or omissions, singularly or in combination with others, constituted negligence, which proximately caused the above-referenced occurrence and Plaintiff's injuries and damages.

VIII.

NEGLIGENCE PER SE ***(All Defendants)***

22. Plaintiff incorporates all prior and subsequent paragraphs as if fully restated and re-alleged herein.

23. Upon information and belief, Defendants were negligent *per se* in violating certain applicable sections of the Code of Ordinances of City of Coppell, Texas. Upon information and belief, Defendants violated—without limitation—the following regulations:

- § 9-1-5 – Registration; License; and
- § 9-1-18 – Dangerous Dogs.

24. Each of the foregoing acts or omissions, singularly or in combination with others, constituted negligence, which proximately caused the above-referenced occurrence and Plaintiff's injuries and damages.

IX.

DAMAGES, COSTS, AND INTEREST

25. As a direct proximate result of the negligent acts and/or omissions described above, Plaintiff has suffered serious, catastrophic, and permanent injuries and damages for which she seeks recovery from Defendants.

26. As applicable, Plaintiff seeks damages in amounts the jury deems to be fair and reasonable consisting of the following:

- Physical pain sustained in the past;
- Physical pain that, in reasonable probability, Plaintiff will sustain in the future;
- Mental anguish sustained in the past;
- Mental anguish that, in reasonable probability, Plaintiff will sustain in the future;
- Loss of earning capacity sustained in the past;
- Loss of earning capacity that, in reasonable probability, Plaintiff will sustain in the future;
- Disfigurement sustained in the past;
- Disfigurement that, in reasonable probability, Plaintiff will sustain in the future;
- Physical impairment sustained in the past;
- Physical impairment that, in reasonable probability, Plaintiff will sustain in the future;
- Medical care expenses incurred in the past;
- Medical care expenses that, in reasonable probability, Plaintiff will incur in the future; and/or
- Any other actual or compensatory damages allowable by law.

27. Plaintiff also seeks recovery for all costs of court and prejudgment and post-judgment interest at the maximum rates allowed by law.

X.

RULE 47 STATEMENT OF MONETARY RELIEF SOUGHT

28. Plaintiff simply requests that the jury award damages in amounts that it believes to be fair and reasonable. Accordingly, to preserve Plaintiff's eligibility to recover an amount *more than* \$1,000,000 and **only** because it is expressly required by Texas Rule of Civil Procedure

47, Plaintiff affirmatively pleads that she is seeking monetary relief in an amount (i) that the jury determines to be fair and reasonable and (ii) that is *more than* \$1,000,000.

XI.

PRAYER

WHEREFORE, Plaintiff requests that this Court enter judgment against Defendants and award Plaintiff the following relief:

- (i) A sum of money—as determined by a jury to be fair and reasonable—within the jurisdictional limits of this Court for the damages indicated above;
- (ii) Pre-judgment and post-judgment interest at the maximum amount allowed by law;
- (iii) Costs of suit; and
- (iv) Such other and further relief to which Plaintiff may be justly entitled.

Filed January 25, 2022

RESPECTFULLY SUBMITTED:

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