

DC-22-09377

CAUSE NO. _____	IN THE DISTRICT COURT 19th
PETER CHERRY, Plaintiff,	
v.	_____ JUDICIAL DISTRICT
ADAM BAZALDUA, Defendant.	DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, PETER CHERRY, Plaintiff, and files Plaintiff's Original Petition, complaining of Defendant, ADAM BAZALDUA, and would show unto the Court as follows:

I. SELECTION OF DISCOVERY LEVEL

1. This suit is governed by discovery control plan II under Rule 190.3 of the Texas Rules of Civil Procedure.

II. PARTIES

2. Plaintiff, PETER CHERRY, is an individual who resides at 2514 North Street Augustine Road, Dallas, Dallas County, Texas, 75227.

3. Defendant, ADAM BAZALDUA, is an individual who resides at 6926 Belteau Lane, Dallas, Dallas County, Texas, 75227, and may be served with process at that address or wherever he may be located. Citation is being requested for this Defendant and service will be completed by a private process server.

III. JURISDICTION & VENUE

4. The Court has continuing jurisdiction over Defendant, because Defendant is a Texas resident. The Court has jurisdiction over the subject matter, because the damages are within the statutory jurisdictional limits of the Court.

5. Venue is proper in Dallas County, Texas, because Defendant is a resident of that county, and all or a substantial part of the events giving rise to this cause of action occurred in that county.

IV. FACTS

6. This lawsuit results from an automobile collision that occurred on or about February 17, 2021, at Robert B. Cullum Boulevard and Martin Luther King Jr. Boulevard in Dallas, Dallas County, Texas. Plaintiff, Peter Cherry, was traveling southbound on Robert B. Cullum Boulevard approaching Martin Luther King Jr. Boulevard with a green light. Defendant, Adam Bazaldua, was traveling northbound on Robert B Cullum Boulevard while attempting to turn left onto Martin Luther King Jr. Boulevard. Defendant, Adam Bazaldua, failed to be attentive and failed to yield the right of way, colliding with Plaintiff's vehicle as he was turning at the intersection. As a result of the impact, Plaintiff suffered bodily injury and property damage.

V. NEGLIGENCE

7. At the time of the accident, Defendant, Adam Bazaldua, was operating his vehicle negligently. Specifically, Defendant had a duty to exercise ordinary care and operate the vehicle reasonably and prudently. Defendant breached this duty in one or more of the following ways:

- a. Failure to maintain a proper lookout;
- b. Failure to make such application of the brakes as a person using ordinary care would have made;
- c. Failure to maintain proper control of the vehicle under the conditions then and there existing;
- d. Failure to turn the vehicle to the right or left to avoid the collision;
- e. Traveling at an unsafe speed; and
- f. Failure to maintain an adequate distance between the vehicle and the vehicle driven by Plaintiff, Peter Cherry.

VI. DAMAGES

8. As a proximate result of the Defendant's negligence, Plaintiff suffered bodily injury and property damage. Plaintiff suffered the following damages:

- a. Physical pain and mental anguish in the past and future;
- b. Medical expenses in the past and future;
- c. Physical impairment; and
- d. Property damage.

VII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, PETER CHERRY, respectfully requests Defendant, ADAM BAZALDUA, be cited to appear and answer, and on final trial, that Plaintiff have judgment against Defendant for:

- a. Actual damages;
- b. Prejudgment and post judgment interest as allowed by law;
- c. Costs of suit;
- d. Monetary relief over \$250,000 but not more than \$1,000,000; and
- e. Any further relief, either in law or equity, to which Plaintiff is justly entitled.

VIII. RULE 193.7 NOTICE

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff gives notice that documents produced by any party to this case may be used at any pretrial proceeding or at the trial of this matter.

Respectfully submitted,

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/s/ Rogelio Guerrero
by: Rogelio Guerrero
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ATTORNEYS FOR PLAINTIFF