

CAUSE NO. CC-09-07139-B

EVELYN RODRIGUEZ

Plaintiff

V.

BRIGHTMAN OHIAGU NWATU,
LOST SOCIETY and FERNANDO ROSALES

Defendants

§ IN THE COUNTY COURT AT LAW
§
§
§ DALLAS COUNTY, TEXAS
§
§
§
§ COURT NO. 2

2010 MAY -7 PM 1:32
CLERK
DALLAS COUNTY

FILED

PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION

ENTERED

Plaintiff Evelyn Rodriguez, for her First Amended Original Petition against Brightman Ohiagu Nwatu ("Nwatu"), Lost Society ("LS") and Fernando Rosales ("Rosales"), would show as follows:

Discovery Level

1. Discovery under Level 2 is appropriate.

Parties

2. Plaintiff is an individual.
3. Nwatu is an individual and manager of LS. Nwatu has answered in this lawsuit, and may be served with a copy of the petition through his attorney of record Jim Pruitt, Law Offices of Jim Pruitt, 110 S. Goliad, Suite 101, Rockwall, Texas 75087. LS is, on information and belief, an unincorporated entity the true owner of which is Rosales, such that Rosales is liable for any conduct in the name or under the authority of LS,

6/18/10
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including the conduct of Nwatu on which this suit is based. LS has answered in this lawsuit and may be served with a copy of the petition through attorney of record Jim Pruitt. Rosales is an individual and the true owner of LS. Rosales may be served with citation at 2008 Greenville Avenue, Dallas, Texas 75206, where LS does business.

Venue

4. Venue is proper because Plaintiff's causes of action arose in Dallas County.

Facts

5. On August 14, 2009, Plaintiff was hired by Nwatu to work for LS.

6. On August 15, 16 and 17, 2009, Nwatu, individually and as a representative of LS, threatened to touch, and touched, Plaintiff in an offensive manner without her consent. This first included his forcing himself on Plaintiff in an attempt to kiss Plaintiff in the early morning of Saturday, August 15, 2009, after Plaintiff's first day of work. It next included during the evening of the same day and early morning of the next day, Sunday, August 16, 2009 his locking the door to his office and forcing his upright body into that of Plaintiff and attempting to kiss her and then continuing to attempt to kiss her at other locations. It also included his insisting, in the early morning of August 16, 2009, that Plaintiff go with him to the roof of LS and over her objection, forcibly pulling her upstairs and to the roof, and locking the door behind him, then forcing himself upon Plaintiff and forcing Plaintiff to touch his penis by grabbing her hand and bringing it to his penis and then asking her to kiss it and still attempting to kiss her. On Sunday

evening, August 15, 2009, Plaintiff then arrived for work at the request of Nwatu under false pretenses, and Nwatu subsequently locked Plaintiff in LS' facility without her consent after making propositions of sexual intercourse to her which she refused. Plaintiff was forced to find her own means of escape without Nwatu's assistance or involvement. Nwatu otherwise subjected Plaintiff to propositions of sexual intercourse and other sexually suggestive conduct. Nwatu's locking Plaintiff inside LS' facility was the result of her objections to his forced attempts at offensive contact and offensive contact, and other sexually suggestive conduct, and her refusal of Nwatu's propositions of oral sex and sexual intercourse.

7. On information and belief, Nwatu has been charged or found liable before the filing of this suit for sexual assault.

8. Plaintiff has suffered actual damages, including mental anguish and lost earnings.

Claims

9. For her first cause of action, Plaintiff would show that Nwatu and LS, through Nwatu, subjected Plaintiff to battery, in that Nwatu intentionally or knowingly made contact with Plaintiff's person which he knew or reasonably should have believed Plaintiff would regard as offensive or provocative and caused injury to her. Plaintiff is accordingly entitled to recover her actual damages, punitive damages, prejudgment interest and costs of court.

10. For her second cause of action, Plaintiff would show that Nwatu and LS, through Nwatu, subjected Plaintiff to assault in that Nwatu intentionally or knowingly threatened Plaintiff with imminent bodily injury and the threat caused injury to Plaintiff. Plaintiff is accordingly entitled to recover her actual damages, punitive damages, prejudgment interest and costs of court.

11. For her third cause of action, Plaintiff would show that Nwatu and LS, through Nwatu, subjected Plaintiff to false imprisonment in that Nwatu willfully detained Plaintiff without her consent or legal authority or justification. Plaintiff is accordingly entitled to recover her actual damages, punitive damages, prejudgment interest and costs of court.

12. For her fourth cause of action, Plaintiff would show that Rosales and LS are liable to Plaintiff for negligently hiring, supervising, training, or retaining Nwatu. Plaintiff is accordingly entitled to recover her actual damages, punitive damages, prejudgment interest and costs of court.

13. For her fourth cause of action, Plaintiff would show that Rosales and LS are vicariously liable to Plaintiff under the theory of apparent authority because Plaintiff was injured by Nwatu's torts alleged in this petition. Plaintiff is accordingly entitled to recover her actual damages, punitive damages, prejudgment interest and costs of court.

14. Plaintiff requests a jury.

WHEREFORE, Plaintiff prays for all relief to which she is entitled.

Respectfully submitted,



Robert E. Goodman, Jr.
TSB No. 08158100
Kilgore & Kilgore, PLLC
3019 Carlisle St.
Dallas, Texas 75204
(214) 969-9099 x 266
(214) 953-0133 (telecopy)

Karen D. McCloud
State Bar No. 24013125
8750 N. Central Expressway, Suite 1000
Dallas, Texas 75231
(214) 368-1765
(214) 368-3974 (telecopy)

COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was forwarded to the following counsel of record by telecopy on this 5th day of May 2010:

By Telecopy 469.698.8554

Jim Pruitt
Law Offices of Jim Pruitt
110 S. Goliad, Suite 101
Rockwall, Texas 75087



Robert E. Goodman, Jr.