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July fee 5.00

POST PAID

PTF 106.00

DFT _____

NO. 83-33155

WILLIAM LEROY STEIN and Wife,	§	IN THE DISTRICT COURT OF
ELIZABETH JULIANNA STEIN	§	
	§	
VS.	§	HARRIS COUNTY, T E X A S
	§	
LAWRENCE ANTHONY HINDT	§	<u>2-190TH</u>
and CHARLES CLARKE ROBERTS	§	_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME William Leroy Stein and his wife, Elizabeth Julianna Stein, Plaintiffs, and files this their Plaintiffs' Original Petition complaining of Lawrence Anthony Hindt and Charles Clarke Roberts, and as grounds therefor would respectfully show unto the Court the following:

I.

Plaintiffs are residents of Houston, Harris County, Texas.

OII.

Defendant, Lawrence Anthony Hindt, is a resident of Harris County, Texas, and may be served with process by serving him at his residence, 21438 Park Mount, Houston, Texas.

Defendant, Charles Clarke Roberts, is a resident of Harris County, Texas, and may be served with process by serving him at his residence, 818 Silvergate, Houston, Texas.

III.

On or about February 18, 1983, Defendant Roberts permitted his home and residence to be used for the purpose of a large party of high school and junior high school teenagers. Defendant Roberts also permitted the purchase and serving of alcoholic beverages, including, without limitation, kegs of beer and spiked punch. This party was attended by substantially more than 100 teenagers with

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little or no adult supervision. One of the teenagers at the party was Defendant, Lawrence Anthony Hindt. He was accompanied that evening by his girlfriend, Angie Sisk. After leaving the party, Defendant Hindt drove past the Plaintiffs' home where Plaintiff, William Leroy Stein, was at his car taking his briefcase out of it. Defendant Hindt stopped his car after Plaintiff hollered at him to slow down when driving through the neighborhood. Defendant Hindt then assaulted Plaintiff, William Leroy Stein, and caused him to suffer substantial and severe injuries. Hindt and his girlfriend, Angie Sisk, then left Plaintiff, Stein, lying on the ground in an unconscious state. They callously failed to attempt to notify anyone of Mr. Stein's condition or to obtain or cause to be obtained any medical attention for him.

IV.

Plaintiff, William Leroy Stein, was subsequently taken to the Memorial City Hospital emergency room complaining of headache and right shoulder pain. Physical examination by the doctors disclosed evidence of blunt trauma to the head and face with evidence of blood in the nostrils, a laceration of the left upper lip, contusion and ecchymoses of the right eyelid and contusions and ecchymoses of the right side of the scalp. Stein also suffered contusion, swelling and tenderness of the right shoulder area. Subsequent to arriving at Memorial City Hospital, Mr. Stein became comatose, unresponsive, and developed left-sided weakness. Subsequent examination also determined that Plaintiff, Mr. Stein, had suffered a separation of the shoulder joint and a fracture in the shoulder area. Because of the development of a large epidural hematoma, Mr. Stein was rushed to surgery where a craniotomy was performed and the epidural hematoma was evacuated. Plaintiff, William Leroy Stein, also suffered fractures to the third and fourth ribs.

Needless to say, he has suffered substantial pain and mental anguish. He has incurred substantial medical bills and will, in all probability, continue to incur medical expenses in the future. He was forced to miss a substantial amount of work because of this incident.

V.

Defendant, Charles Clarke Roberts, was negligent in at least the following manner:

1. In permitting a party to be held at his house without proper or sufficient supervision;
2. In permitting a party to be held at his house for teenagers where alcoholic beverages were served;
3. In permitting the above described party to be held at his house knowing that it would draw and attract substantial numbers of teenagers, permit them to have access to alcoholic beverages, and then send them on their way with little or no supervision.

VI.

Defendant, Lawrence Anthony Hindt, was negligent in at least the following manner:

1. In failing to notify anyone of what occurred until he was located by the police through their investigation of this matter, a significant period after the incident;
2. In failing to stop and render aid to Mr. Stein;
3. In failing to seek or obtain medical attention for Mr. Stein;
4. In failing to notify or attempt to notify anyone of Mr. Stein or his condition prior to leaving the scene of the assault.

VII.

Plaintiff's injuries were proximately caused by the negligence of Defendants. In addition, Plaintiff suffered injuries as a result of the intentional tort of assault and battery which was committed by Defendant Hindt.

VIII.

As a proximate result of the foregoing, Plaintiff, William Leroy Stein, and his wife, Elizabeth Julianna Stein, have suffered the following damages for which they are entitled to recover:

1. Physical pain and suffering in the past and in the future;
2. Mental anguish and worry;
3. Lost earnings in the past;
4. Reasonable medical expenses in the past and in the future;
5. Loss of services around the home.

IX.

All conditions precedent to Plaintiffs' right to recover and to Defendants' liability have occurred or have been performed.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants, and each of them, be duly cited in terms of law to appear and answer herein, and that upon final trial hereof, Plaintiffs have judgment against Defendants, jointly and severally, for the full amount of their damages in the sum of not less than One Hundred Thousand and No/100 Dollars (\$100,000.00), with both prejudgment and postjudgment interest thereon, their attorneys' fees, their costs of court expended in connection with this case, and for such other and further relief, both general and special, at law

and in equity, to which they may show themselves justly entitled.

Respectfully submitted

O'Quinn & Hagans

By William Fred Hagans
John O'Quinn
T.B.A. No. 15296000

William Fred Hagans, P.C.
T.B.A. No. 08685500

3200 Texas Commerce Tower
Houston, Texas 77002
(713) 223-1000

Attorneys for Plaintiffs,
William Leroy Stein and his
Wife, Elizabeth Julianna Stein

17WFHII

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and in which they are authorized to

Exhibit

5-3-83 PR
CJL KOP RD
CJL KOP RD

County of Harris

County of Harris

John O'Connell
10000 North Loop West
Houston, Texas 77036
(713) 258-1000

John O'Connell
10000 North Loop West
Houston, Texas 77036
(713) 258-1000

10000 North Loop West
Houston, Texas 77036
(713) 258-1000

Attorney for Plaintiff
10000 North Loop West
Houston, Texas 77036
(713) 258-1000

10000

INDEXED

RS

ENTERED

DR

VERIFIED

LP

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[Handwritten signature]

FILED

RAY HARDY, DIST. CLERK
HARRIS COUNTY, TEXAS

APR 28 11 02 AM '83

DEPUTY

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COUNTY AUDITOR'S FORM 125A
HARRIS COUNTY, TEXAS 3-78
STATE OF TEXAS
COUNTY OF HARRIS

RAY HARDY, DISTRICT CLERK
FEE OFFICER'S OFFICIAL RECEIPT

No. **504125**

TYPE ACTION

Damages

COURT 190

CASE NO 83-33155

RECEIVED OF

John M. O'Quinn

DATE 4-28-83

One Hundred Eleven & No/100's

DOLLARS CHECK

CASH \$ 111.00

STYLE

William Leroy Stahl, et ux

VS.

Lawrence Anthony Hindt, et ux

THIS IS A RECEIPT ONLY IF VALIDATED IN THIS SPACE
BY DISTRICT CLERK'S REGISTER

CLERK'S FEES

LEGEND

OTHER FEES

- 100 FILING-NEW CASE
- 101 FILING-CROSS ACTION
- 102 FILING-INTERVENTION
- 103 FILING-THIRD PARTY
- 104 FILING-CONTEMPT
- 105 FILING-MOT. NEW TRIAL
- 106 106 SERVICE
- 107 CITATION
- 107a CIT (SEC. STATE)
- 108 PRECEPT
- 108a PRECEPT (SEC. STATE)
- 109 WRIT
- 109a WRIT (SEC. STATE)
- 110 C.C. JUDGMENT
- 111 CERT. SDPW
- 112 CERT. SBVS
- 113 ABSTRACT
- 114 EXECUTION
- 115 SUBPOENA
- 116 BOND APPROVAL
- 117 OTHER
- 118 SERVICE BY CERT. MAIL
- 119 TRANSCRIPT
- 120 MED. LICENSE

- 200 LAW LIBRARY
- 250 CHILD SUPPORT
- 300 SHERIFF'S JURY
- 325 SHERIFF
- 350 CONSTABLE
- 375 CONSTABLE WRIT SERVICE
- 425 DEPOSIT (LIEU OF BOND)
- 450 DEPOSIT (FOR COSTS)
- 500 JURY
- 525 STENO
- 550 COUNTY ATTORNEY
- 575 DISTRICT ATTORNEY
- 600 TREASURER
- 700 REFUNDS
- 750 TRUST FUND (TENDERS)
- 775 TRUST FUND (AWARDS)
- 800 URESA - NO FEE COLLECTED
- 825 OTHER - NO FEE COLLECTED
- 850 PAUPERS OATH

400 LCP

REFUNDS

2/ 20.00 1.00
 10.00 1.00
 10.00 2.00
 2/ 40.00 3.00
 5.00 2.00
 5.00 2.00
 11.95 8.00 111.00 SBTL
 504125 111.00 TOTAL
 03331 00 0000
 11.00 CXTD
 .00 CRCG

RAY HARDY, DISTRICT CLERK

R Hardy

BY: _____ DEPUTY