

BRANDON MARTINEZ, ZANE
MARTINEZ, ANDREW CAVAZOS
JORGE MARTINEZ, and FRANCISCO
PEREZ, Individually and as Next Friend
of A.P., a Minor,
Plaintiffs,

v.

ROTH PRODUCTS OF TEXAS, INC.,
and GREGORY VAUGHT,
Defendants.

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IN THE 99th DISTRICT COURT

OF

LUBBOCK COUNTY, TEXAS

PLAINTIFFS' FIRST AMENDED PETITION AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiffs, Brandon Martinez, Zane Martinez, Andrew Cavazos, Jorge Martinez, and Francisco Perez, Individually and as Next Friend of A.P., a Minor, complaining of Defendants, Roth Products of Texas, Inc. and Gregory Vaught, and would respectfully show the Court as follows:

I. DISCOVERY

1.01 Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiffs intend to conduct discovery in this case under level 3 (Rule 190.4 Texas Rules of Civil Procedure).

II. PARTIES

- 2.01 Plaintiff Brandon Martinez is an individual and resident of the State of Texas.
- 2.02 Plaintiff Zane Martinez is an individual and resident of the State of Texas.
- 2.03 Plaintiff Andrew Cavazos is an individual and resident of the State of Texas.
- 2.04 Plaintiff Jorge Martinez is an individual and resident of the State of Texas.
- 2.05 Plaintiff Francisco Perez is an individual and resident of the State of Texas.

2.06 Plaintiff A.P. is an individual and resident of the State of Texas.

2.07 Defendant Roth Products of Texas, Inc. (Defendant Roth) is a domestic for-profit company doing business in the State of Texas. Defendant Roth may be served through its registered agent Richard L. Hanna at 600 S. Tyler Suite 1810, Amarillo, Texas 79101, or wherever he may be found.

2.08 Defendant Gregory Vaught (Defendant Vaught) is an individual and resident of Amarillo, Texas. Defendant Vaught may be served at his address of 3403 Janet Drive, Unit B, Amarillo, TX 79109-4459, Randall County, or wherever he may be found.

III. VENUE AND JURISDICTION

3.01 Venue is proper in Lubbock County, Texas, pursuant to TEX. CIV. PRAC. REM. CODE § 15.002(a)(1) because it is the county in which all or a substantial part of the events or omissions giving rise to the incident occurred.

3.02 The amount of the Plaintiffs' damages is substantial and well in excess of the jurisdictional minimums of this Court. Many elements of damage cannot be determined with mathematical precision. Furthermore, the determination of many of these elements of damage is peculiarly within the province of the jury. Plaintiffs do not at this time seek any certain amount of damages for any of these particular elements of damage, but would instead rely upon the collective wisdom of the jury to determine an amount that would fairly compensate Plaintiffs and hold Defendants accountable for their conduct. However, in order to comply with the pleading requirements of TEX. R. CIV. P. 47(C), Plaintiffs plead that they seek monetary relief over \$1,000,000. Plaintiffs also seek judgment for all other relief to which Plaintiffs are entitled.

IV. FACTS

4.01 On or about September 8, 2025, Plaintiffs Brandon Martinez, Zane Martinez, and A.P. experienced a tire blowout on the overpass bridge of Interstate I-27 and 98th street. They pulled onto the shoulder of the bridge and stopped. Lubbock County Sheriff Deputies Andrew Cavazos and Jorge Martinez saw the stranded vehicle and stopped to help. The Deputies parked their patrol vehicles with flashing emergency lights to shield the family from traffic.

4.02 Defendant Vaught, driving Defendant Roth's 18-wheeler, approached the overpass bridge with the stopped emergency vehicles. Defendant Roth's driver was distracted, using his cellphone while driving. Defendant Roth's driver did not slow down or move over to the left lane. Defendant Roth's 18-wheeler violently crashed into both Deputies' patrol units. The impact forced one patrol vehicle against the overpass railing, pinning Deputies Cavazos and Martinez. Deputy Cavazos was nearly thrown 20 feet over the bridge, left dangling by his trapped leg until rescuers pulled him to safety with a ladder. The second patrol vehicle was pushed into the Martinez family's truck, injuring family members as well.

4.03 Defendants' negligence proximately caused the crash and Plaintiffs' injuries and damages.

V. CAUSES OF ACTION

Negligence – Defendant Vaught

5.01 Defendant Vaught's negligence was the proximate cause of the collision and said driver was negligent in many respects including, but not limited to, the following:

- a. In failing to keep a proper lookout;
- b. In using a cell phone while driving;
- c. In failing to control his speed;
- d. In failing to remain alert and pay proper attention;
- e. In driving carelessly;

- f. In failing to control their vehicle;
- g. In failing to yield the right of way;
- h. In failing to take evasive action;
- i. In failing to avoid a collision;
- j. In driving while distracted;
- k. In failing to safely apply brakes to avoid a collision;
- l. In driving in a reckless manner; and
- m. In any additional manner revealed through discovery.

5.02 Defendant Vaught's negligence proximately caused the injuries and damages to the Plaintiffs herein.

Negligence *Per Se* of Defendant Vaught

5.03 At the time of the aforesaid improper actions, there were in force and effect Texas Statutes and Federal Regulations that were violated by Defendant Vaught, specifically Texas Transportation Code § 545.157 – requiring a driver to move over or slow down when approaching a stationary emergency vehicle with lights on.

5.04 Defendant's breach of the duties imposed by the statutes is negligence per se and proximately caused the injuries and damages to the Plaintiffs specified herein. These statutes are designed to protect the class of persons to which Plaintiffs belong, and from the type of injuries and damages suffered by Plaintiffs. Defendants' violation of these statutes lacked legal excuse.

Respondeat Superior of Defendant Roth

5.05 Vicarious liability for Plaintiffs' injuries and damages attaches to Defendant Roth through *respondeat superior* in the following respects:

- a. Defendant Vaught was an employee of Defendant at the time of the incident;
- b. Defendant Vaught was working in the scope and course of their employment at the time of the incident;
- c. Defendant Vaught was acting in furtherance of Defendant's business at the time of the incident;
- d. Defendant Vaught was working for the accomplishment of the objective for which they was hired; and
- e. Defendant Vaught's negligence is a proximate cause of Plaintiffs' injuries and damages.

Negligent Hiring, Retention, Training, and Supervision of Defendant Roth

5.06 The conduct of Defendant Roth constitutes negligence in many respects including but not limited to the following:

- a. Defendant failed to safely entrust its truck to competent individuals;
- b. Defendant failed to hire, supervise, and train competent employees;
- c. Defendant failed to retain competent employees; and
- d. Defendant failed to fire incompetent or dangerous employees;

5.07 Each foregoing breach, singularly or in combination with other acts or omissions proximately caused Plaintiffs' injuries and damages.

Gross Negligence of Defendants

5.08 Plaintiff's injuries resulted from Defendants' gross negligence, which entitles Plaintiffs to exemplary damages under Texas Civil Practices & Remedies Code, Section 41.003(a). Defendants' actions, when viewed objectively from Defendants' standpoint at the time it occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential

harm to others. Defendants had actual, subjective awareness of the risk but proceeded anyway with a conscious indifference to the rights, safety, or welfare of others as described in the above paragraphs.

5.09 As a direct, proximate, and producing result of Defendants' gross negligence, Plaintiffs are entitled to exemplary damages pursuant to § 41.001 et. seq. of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

VI. DAMAGES

6.01 As a direct and proximate cause of the Defendants' negligence and gross negligence, Plaintiffs have suffered damages and personal injuries and, as provided by Texas law, are entitled to recover for those damages. Plaintiffs have suffered damages as follows:

- a. Physical pain sustained in the past;
- b. Physical pain that, in reasonable probability, Plaintiffs will sustain in the future;
- c. Mental anguish sustained in the past;
- d. Mental anguish that, in reasonable probability, Plaintiffs will sustain in the future;
- e. Physical impairment sustained in the past;
- f. Physical impairment that, in reasonable probability, Plaintiffs will sustain in the future;
- g. Medical care expenses sustained in the past;
- h. Medical care expenses that, in reasonable probability, Plaintiffs will require in the future;
- i. Disfigurement sustained in the past;
- j. Disfigurement that, in reasonable probability, Plaintiffs will sustain in the future;
- k. Lost wages in the past;

- l. Lost wages in the future;
- m. Loss of earning capacity;
- n. Personal property damage; and
- o. Exemplary damages as awarded by law.

VIII. PRAYER

7.01 WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request the following:

- a. Compensatory damages as set forth above;
- b. Exemplary damages as set forth above;
- c. Pre-judgment and post-judgment interest as allowed by law;
- d. Costs of court; and
- e. Such other relief to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

JURY DEMAND

Plaintiffs hereby demand a trial by jury in this cause and have previously paid the fee.

/s/ David Glasheen

David Glasheen