

Copy

Citation for Personal Service—RESIDENT

Case Number: [REDACTED]

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THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO: **Life In Paradise, LLC**
- Steve R. Dewitt
424 W. Avenue C.
Port Aransas, Texas

the Defendant,

GREETING: You are commanded to appear by filing a written answer to the **Plaintiffs' First Amended Petition** at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days after the date of service of this citation before the **Honorable David Klein, 148th District Court** of Nueces County, Texas at the Courthouse of said County in Corpus Christi, Texas. Said Petition was filed on the 9th day of April, 2025. A copy of same accompanies this citation.

The file number of said suit being Number: [REDACTED]

The style of the case is: [REDACTED]
[REDACTED] **LIP Group, LLC, et al**

Said Petition was filed in said court by **Joe Falco, III**, attorney for Plaintiff, whose address is P.O. Box 907, Navasota, TX 77868.

The nature of the demand is fully shown by a true and correct copy of the Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly mail the same according to requirement of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Corpus Christi, Texas, this 1st day of May, 2025.



ANNE LORENTZEN, DISTRICT CLERK
NUECES COUNTY, TEXAS
901 LEOPARD STREET, ROOM 313
CORPUS CHRISTI, TEXAS 78401

BY: Marissa Vega, Deputy
Marissa Vega

is an individual residing in Comal County, Texas and may be contacted through her undersigned attorney. The last four numbers of her Texas Driver License number are [REDACTED]

2.03 Upon information and belief, Defendant, [REDACTED], is an individual and a resident of the State of Texas who may be served with process at the following address: [REDACTED]
[REDACTED]

2.04 Upon information and belief, Defendant, [REDACTED], is an individual and a resident of the State of Texas who may be served with process at the following address: [REDACTED]
[REDACTED], [REDACTED], Texas.

2.05 Upon information and belief, Defendant, [REDACTED] is an individual and a resident of the State of Texas who may be served with process at the following address: [REDACTED], [REDACTED], Texas.

2.06 Upon information and belief, Defendant, [REDACTED], is an individual and a resident of the State of Texas who may be served with process at the following address: [REDACTED]
[REDACTED].

2.07 Upon information and belief, Defendant, [REDACTED] is an individual and a resident of the State of Texas who may be served with process at the following address: [REDACTED]
[REDACTED], [REDACTED], Texas.

2.08 Upon information and belief, Defendant, SANDRA L. BOYD PETERSON is an individual and a resident of the State of Texas who may be served with process at the following address: [REDACTED]
[REDACTED], [REDACTED], Texas.

2.09 Upon information and belief, Defendant, LIP GROUP, LLC, is a Limited Liability Company organized under the laws of the State of Texas, and doing business in Nueces County, Texas. LIP GROUP, LLC, may be served with process by and through its registered agent for service, STEPHEN R. DEWITT, at 427 Mustang Blvd., Port Aransas, Texas.

2.10 Upon information and belief, Defendant, LIFE IN PARADISE, LLC, is a Limited Liability Company organized under the laws of the State of Texas, and doing business in Nueces County, Texas. LIFE IN PARADISE, LLC, may be served with process by and through its registered agent for service, STEVE R. DEWITT, at 424 W. Avenue C, Port Aransas, Texas.

2.11 Upon information and belief, Defendant, STEVE R. DEWITT, is an individual and a resident of the State of Texas who may be served with process at the following address: 424 W. Avenue C, Port Aransas, Texas.

JURISDICTION AND VENUE

3.00 Plaintiffs will show that Defendants negligently entrusted a motor vehicle to [REDACTED]
[REDACTED], an unlicensed minor child, then 13 years of age, who negligently operated the motor

vehicle causing great damage to Plaintiffs. The amount in controversy is more than \$100,000.00 and is within the jurisdictional limits of this court.

3.01 Plaintiffs seek monetary relief over \$100,000.00 but not more than \$1,000,000.00.

3.02 Plaintiffs demand judgment for all relief to which plaintiffs deem themselves entitled and to which the Jury deems the Plaintiffs are entitled to receive.

3.03 The Court has personal jurisdiction over Defendants, [REDACTED] and [REDACTED] because they are residents of the State of Texas, and subject matter jurisdiction of this action arises under the common law of the State of Texas.

3.04 The Court has personal jurisdiction over Defendant, LIP GROUP, LLC, because it is a Texas Limited Liability Company, and subject matter jurisdiction of this action arises under the common law of the State of Texas.

3.05 Nueces County is the proper venue for this action pursuant to the Texas Practice and Remedies Code, §15.002(a)(1), et seq., because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in Nueces County, Texas.

STATEMENT OF FACTS

4.00 Plaintiffs bring this cause of action to recover damages sustained as a direct and proximate result of Defendants' negligent entrustment of a golf cart motor vehicle on or about April 21, 2023, in Nueces County, Texas. Defendants, [REDACTED], SANDRA LEBST PETERSON, [REDACTED], [REDACTED] and/or [REDACTED] leased or rented the golf cart motor vehicle from Defendants, LIP GROUP, LLC, LIFE IN PARADISE, LLC, and/or STEVE R. DEWITT, who were the owners of the motor vehicle. Plaintiffs have timely asserted their claim pursuant to the Texas Civil Practice & Remedies Code, §16.003.

4.01 On April 21, 2023, at approximately 4:43 p.m., [REDACTED], was operating a golf cart motor vehicle leased by Defendants, [REDACTED], [REDACTED] and/or [REDACTED], from Defendant, LIP GROUP, LLC, LIFE IN PARADISE, LLC and/or STEVE R. DEWITT. [REDACTED] was, at that time, under the age of eighteen years and was an unlicensed driver. [REDACTED] was at that time sixteen years of age and a licensed driver. During the course of operating the golf cart motor vehicle, at or about Roadway Part 98, Block 23 on the public beach in Port Aransas, Nueces County, Texas, [REDACTED] suddenly, without warning, drove the vehicle into Plaintiffs, who were relaxing on the beach, violently striking Plaintiffs, [REDACTED] and [REDACTED], and running over Plaintiff, [REDACTED], such that the vehicle came to rest with one tire on top of Plaintiff, [REDACTED]'s head.

4.03 At the time of the collision, which is the basis of this cause of action, Plaintiff, [REDACTED] was a) closely related to Plaintiff, [REDACTED]; located in close

proximity to [REDACTED] and c) suffered severe mental anguish as a direct result of the sensory and contemporaneous observance of the collision.

PLAINTIFFS' CLAIM OF NEGLIGENCE AGAINST DEFENDANTS

5.00 Plaintiffs allege and incorporate by reference the preceding paragraph the same as if set forth herein verbatim. Defendants above mentioned actions and/or omissions constituted negligence, and the negligent conduct was a direct and proximate cause of the collision and injuries made the basis of this lawsuit.

5.01 In causing the collision that is the basis of this suit, [REDACTED]'s negligent actions and omissions include, but are not limited to, one or more of the following:

- a. [REDACTED] failed to yield the-right-of-way;
- b. [REDACTED] failed to control her speed;
- c. [REDACTED] failed to be attentive and keep a proper lookout for traffic conditions ahead;
- d. [REDACTED] failed to maintain a safe and assured clear distance;
- e. [REDACTED] failed to timely apply her brakes to avoid collision; and,
- f. [REDACTED] failed to operate her vehicle in a safe and lawful manner.

5.02 Defendants, [REDACTED], [REDACTED], [REDACTED], [REDACTED], LIP
[REDACTED], LIP GROUP, LLC, LIFE IN PARADISE, LLC and/or STEVE R. DEWITT, were negligent in that
they a) entrusted the golf cart motor vehicle; b) to an unlicensed, incompetent, or reckless driver;
c) that Defendants knew or should have known was unlicensed, incompetent, or reckless; d) and
the driver was negligent on the occasion in question and; e) the driver's negligence proximately
caused the collision and Plaintiffs' injuries.

5.03 Defendants had a duty to exercise the degree of care that a reasonably prudent person would use to avoid harm to others under circumstances similar to those described above. Defendants breached this duty.

5.04 Plaintiffs' injuries were directly and proximately caused by Defendants' negligent, careless, and reckless disregard of said duty.

5.05 Plaintiffs will show that all of the above foregoing acts and/or omissions, constitute negligence that directly and proximately caused the occurrence and Plaintiffs' injuries and damages.

5.06 Plaintiffs will show that Defendants' actions constitute "negligence per se" in that, by allowing [REDACTED] to operate the golf cart motor vehicle on a public highway (beach), Defendants violated Sec. 521.458 of the Texas Transportation Code, which is a statute designed to protect a class of people to which Plaintiffs belong from the type of injuries which Plaintiffs suffered.

PLAINTIFFS' CLAIM FOR GROSS NEGLIGENCE

6.00 Plaintiffs will show that Defendants' actions involved an extreme degree of risk when considering the probability and magnitude of harm caused to others, and Defendants acted with conscious indifference to the rights, safety, and welfare of Plaintiffs.

DAMAGES

7.00 As a direct and proximate result of the negligent acts and/or omissions of Defendant, Plaintiffs have suffered damages for which Plaintiffs seek recovery from defendant. [REDACTED] and [REDACTED] seek the following damages:

- a. Past medical expenses;
- b. Past physical pain and suffering;
- c. Past physical impairment;
- d. Past mental anguish and suffering;
- e. Past lost wages and loss of consortium;
- f. Future medical expenses;
- g. Future physical pain and suffering;
- h. Future physical impairment;
- i. Future mental anguish and suffering; and,
- j. Future lost wages and future loss of consortium.

7.01 The negligence and carelessness of Defendant directly and proximately caused the collision made the basis of this lawsuit, and the injuries and damages to plaintiffs complained of herein.

7.02. Plaintiffs are entitled to recover exemplary damages from Defendants as a result of Defendants' gross negligence.

REQUEST FOR A JURY TRIAL

8.00 Contemporaneous with the filing herewith, Plaintiffs have paid a jury fee and make a demand that the case be brought before the jury for a trial on all matters.

PRAYER

9.00 WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully pray that Defendants be cited to appear and answer herein, and that upon final trial and hearing hereof, Plaintiffs recover a judgment over and against Defendants for the damages as pled herein, based upon the evidence, in the amounts the jury determines to be fair and reasonable, and for such other and further relief, at law and in equity, to which the Plaintiffs may show themselves justly entitled. Plaintiffs pray for general relief.

FALCO & FALCO, PLLC
P. O. Box 907
103 S. Railroad Street
Navasota, Texas 77868
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By: /s/ **Joe Falco III**

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on April 9, 2025.

Helen H. Kim via electronic file server

/s/ **Joe Falco III**

Joe Falco, III
Attorney for Plaintiffs