

CAUSE NO. 471-03040-2020

**JORDAN CLARK,** § **IN THE DISTRICT COURT**  
§  
**Plaintiff,** §  
§  
v. § **OF COLLIN COUNTY, TEXAS**  
§  
**EZEKIEL ELLIOTT,** §  
§  
**Defendant.** § **\_\_\_\_\_ JUDICIAL DISTRICT**

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**ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

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Plaintiff Jordan Clark (“Plaintiff” or “Clark”) files this Original Petition and Request for Disclosure against Defendant Ezekiel Elliott (“Defendant” or Elliott”), and would respectfully show the Court as follows:

**I.**

**PARTIES**

1. Plaintiff Jordan Clark is an individual who resides in Grayson County, Texas.
2. Defendant Ezekiel Elliott is an individual who resides in Collin County, Texas.

He can be served at his residence at 4883 Orchard Park Drive, Frisco, Texas, 75034, or wherever he may be found.

**II.**

**JURISDICTION AND VENUE**

3. Jurisdiction is proper in this Court because the amount in controversy is within the jurisdictional limits of this Court. Jurisdiction is further proper under this Court’s general jurisdiction. TEX. GOV’T CODE § 24.007(a); TEX. CONST. ART. B, § 8.

4. Venue is proper in Collin County, Texas. *See* TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1). All or a substantial part of the events or omissions giving rise to the claim occurred in Collin County, Texas.

### **III.**

#### **DISCOVERY CONTROL PLAN**

5. Plaintiff intends to conduct discovery under Level 2 pursuant to Texas Rule of Civil Procedure 190.3.

### **IV.**

#### **CLAIM FOR RELIEF**

6. Plaintiff currently seeks monetary relief over \$200,000 but not more than \$1,000,000.

### **V.**

#### **FACTUAL BACKGROUND**

7. At the time of the incident at issue, Clark was an employee of Tropix Pools and Outdoor Living (“Tropix”) and, as part of her job, she traveled to customers’ homes to perform cleaning and maintenance work on their pools.

8. At the time of the incident at issue, Elliott was a customer of Tropix.

9. On March 11, 2020, Clark went to Elliott’s home to perform cleaning and maintenance work on his pool. When Clark entered the area in which the pool equipment is located, three dogs, a large Rottweiler and two Bulldogs, ambushed her. The Rottweiler struck first, clamping his jaws around her forearm and dragging her further into the pool equipment area. The two Bulldogs then lunged at Clark’s legs, and one or both of them bit her on the thigh, causing additional injuries.

10. When the dogs released her, Clark went straight to the emergency room in immense pain after suffering multiple bites. Clark has since had to make several visits to hospitals and specialists for treatment of both the physical injuries and mental anguish she suffered as a result of the attack. On March 25, 2020, Clark underwent surgery for injuries caused by the Rottweiler's bite on her forearm.

11. Unfortunately, this is not the first time Elliott's dogs have viciously attacked a person on his residence. Upon information and belief, in or around December 2019, Elliott's Rottweiler attacked another Tropix employee who, like Clark, was at Elliott's residence to perform cleaning and maintenance work on the pool. During that attack, Elliott's Rottweiler bit the Tropix employee's leg, puncturing his skin.

12. Since the attack on March 11, 2020, Clark has been unable to use her arm in the same way she could before the attack occurred. She has also suffered, and continues to suffer, from significant injuries and mental anguish, including pain, fever, sleeping problems, post-traumatic-stress-induced panic attacks, and complications from prescribed pain medication. She is undergoing physical and psychological therapy for the trauma caused by the attack, and the resulting scars and mental anguish will likely be with her forever.

13. As a result, by this action, Clark seeks to recover appropriate relief from Elliott.

## **VI.**

### **CAUSES OF ACTION**

#### **A. Ordinary Negligence**

14. The foregoing allegations are re-alleged and incorporated herein by reference.

15. Elliott is the owner and possessor of each of the dogs that attacked Clark.

16. Elliott, who knew or should have known, about the dangers his dogs posed to visitors, owed Clark a duty to exercise reasonable care to prevent his dogs from injuring her.

17. Elliott breached that duty by, among other things, failing to take reasonable measures to protect Clark from his dangerous dogs.

18. As a result of Elliott's failure to take reasonable measures to protect Clark, his dogs attacked her, causing significant physical injuries, as well as mental and emotional distress.

**B. Strict Liability**

19. The foregoing allegations are re-alleged and incorporated herein by reference.

20. Elliott is the owner and possessor of each of the dogs that attacked and injured Clark.

21. At least one of Elliott's dogs (the Rottweiler) had known dangerous propensities abnormal to its class prior to its attack on Clark. Elliott knew or had reason to know that his Rottweiler had dangerous propensities because on at least one prior occasion, in December 2019, Elliott's Rottweiler attacked another Tropix employee while he was at Elliott's residence to perform cleaning and maintenance work on the pool.

22. The Rottweiler's known dangerous propensities were the producing cause of Clark's injuries because it attacked Clark during her visit to his residence.

**C. Premises Liability**

23. The foregoing allegations are re-alleged and incorporated herein by reference.

24. As a Tropix employee scheduled to perform work on Elliott's pool, Clark was an invitee on Elliott's premises.

25. Upon her arrival to Elliott's residence, Elliott's premises contained a condition that created an unreasonable risk of harm to Clark – namely the presence of dangerous dogs – around the pool equipment.

26. Elliott knew or reasonably should have known of the dangerous condition, given that at least one of his dogs had a recent prior history of attacking at least one prior invitee who was on his premises to perform cleaning and maintenance work on the pool.

27. Elliott failed to exercise ordinary care to protect Clark from the dangerous condition, by among other things, failing to take reasonable measures to protect Clark from his dangerous dogs.

28. As a result of Elliott's failure to exercise ordinary care to protect Clark from the dangerous condition, Clark was seriously injured when Elliott's' dogs attacked her.

## **VII.**

### **INJURIES & DAMAGES**

29. The foregoing allegations are re-alleged and incorporated herein by reference.

30. As a result of Elliott's actions, Clark has suffered severe bodily injuries, as well as great mental pain, suffering, and anguish, and in all reasonable probability will continue to suffer in this manner in the future.

31. As a result, Elliott's actions caused the following, and other unlisted injuries and damages to Clark:

- a) reasonable and necessary medical expenses in the past;
- b) reasonable and necessary medical expenses in the future;
- c) physical pain and mental anguish in the past;
- d) physical pain and mental anguish in the future;
- e) physical impairment in the past; and
- f) physical impairment in the future.

**VIII.**

**JURY DEMAND**

32. Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Plaintiff requests a jury trial on all issues triable by a jury. Plaintiff will tender payment of the jury fee at the appropriate time.

**IX.**

**REQUEST FOR DISCLOSURE**

33. Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2(a)-(i) and (l).

**X.**

**PRAYER**

34. For the foregoing reasons, Plaintiff respectfully requests that Defendant be cited to appear and answer and, on final hearing that:

- a) The Court enter judgment in favor of Plaintiff on her causes of action and award Plaintiff all actual, consequential, and special damages to which she is entitled;
- b) The Court award Plaintiff pre-and post-judgment interest, and court costs; and
- c) The Court award Plaintiff such other and further relief, general or special, legal or equitable, to which Plaintiff may be justly entitled.

Dated: June 22, 2020

Respectfully submitted,

**GARDNER HAAS PLLC**

By: /s/ Eric P. Haas \_\_\_\_\_

Eric P. Haas

State Bar. No. 24050704

eh@gardnerhaas.com

Alex Cleeter

State Bar No. 24097505

ac@gardnerhaas.com

2501 N. Harwood St.

Suite 1250

Dallas, Texas 75201

Telephone: (214) 712-8280

**ATTORNEYS FOR PLAINTIFF**

**JORDAN CLARK**