

Cause No. \_\_\_\_\_

Wyatt Craig Cravens, Sr. and	§	In The District Court Of
Kathy Cravens, Individually and on	§	
Behalf of the Estate of Wyatt Craig	§	
Cravens, Jr.	§	
	§	Newton County, Texas
vs.	§	
	§	
Alisam Enterprises, LLC, and	§	
Grover Lee Burnham, Jr.	§	_____ Judicial District

**Plaintiffs Wyatt Craig Cravens, Sr., and Kathy Cravens, Individually and on  
Behalf of the Estate of Wyatt Craig Cravens, Jr.'s Original Petition,  
Request for Jury Trial and Initial Disclosures**

Wyatt Craig Cravens, Sr., and Kathy Cravens, Individually and on Behalf of the Estate of Wyatt Craig Cravens, Jr., complain of Alisam Enterprises, LLC., and Grover Lee Burnham, Jr., and for cause of action would show as follows:

**1. Discovery Level**

1.1. Plaintiffs intend to conduct discovery in this matter under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

**2. Parties**

2.1 Wyatt Craig Cravens, Sr. and Kathy Cravens are residents of the State of Colorado.

2.2 Defendant, Alisam Enterprises, LLC., is a corporation doing business in Texas and may be served by serving its agent, Daniel Weingart, 9540 Ball Street, San Antonio, Texas 78217.

2.3 Defendant, Grover Lee Burnham, Jr. is an individual residing in Newton County, Texas and may be served with citation at Rural Rt 1, Box 47, Newton, Texas 75966.

### **3. Venue**

3.1 Venue is proper and maintainable in Newton County, Texas, pursuant to Texas Civil Practice and Remedies Code §15.002(a)(2), since Defendant Grover Lee Burnham, Jr. is a resident of Newton County, Texas. Plaintiffs request damages in an amount exceeding \$1,000,000.00.

3.2 At all times material to this suit, Grover Lee Burnham, Jr., was an agent, and/or employee of Alisam Enterprises, LLC and was acting within the course and scope of his agency and/or employment.

### **4. Background Facts and Legal Claims**

4.1 Wyatt Craig Cravens, Sr. and Kathy Cravens are the beneficiaries entitled to bring a wrongful death action herein pursuant to Section 71.004 of the Texas Civil Practice and Remedies Code, and bring this action for the benefit of all beneficiaries. Wyatt Craig Cravens, Sr., and Kathy Cravens are the parents of decedent, Wyatt Craig Cravens, Jr.

4.2 On or about April 10, 2016, Plaintiffs' son, Wyatt Craig Cravens, Jr. was killed as a result of an automobile collision that occurred in Potter County, Texas. On said date, Mr. Cravens was travelling North on US 287 when an 18-wheeler owned and operated by Defendants, suddenly and without warning, ran a stop sign and collided with Mr. Cravens' vehicle, causing him to sustain fatal injuries. The driver, Defendant Grover Lee Burnham, Jr.,

was in the course and scope of his employment with or was the borrowed servant of Defendant, Alisam Enterprises, LLC.

4.3 Nothing Wyatt Craig Cravens, Jr., did, or failed to do, caused the occurrence in question. To the contrary, the occurrence in which Mr. Cravens was killed was proximately caused by the negligence and negligence *per se*, as those terms are understood in law, on the part of Defendants, their agents, servants and employees, who were acting in the course and scope of their employment for the Defendants at all times material to this cause of action.

4.4 Defendant, Grover Lee Burnham, Jr., was negligent in one or more of the following particulars, each of which acts and/or omissions, individually or collectively, constitutes negligence which proximately caused the incident made the basis of this lawsuit, and the resulting injuries and damages to Plaintiffs:

- a. In failing to maintain a proper lookout;
- b. In failing to make proper application of the brakes of his vehicle;
- c. In failing to make timely application of the brakes of his vehicle;
- d. In failing to bring his vehicle to a stop before it collided with Plaintiff's vehicle;
- e. In failing to turn the vehicle to the right or left to avoid a collision;
- f. In being inattentive and failing to maintain proper control of his vehicle;
- g. In operating his vehicle in a reckless manner;
- h. In failing to obey applicable traffic signals or signs by running a stop sign;
- i. In violating applicable provisions of Articles 6701(d) of the Texas Revised Civil Statutes.

The negligence of Defendant, Grover Lee Burnham, Jr. was a proximate cause of the incident and Plaintiffs' resulting damages.

4.5 Defendant, Alisam Enterprises, LLC, is legally responsible to Plaintiffs for the negligent conduct of Defendant, Grover Lee Burnham, Jr. under the legal doctrines of *respondeat superior*, agency and/or ostensible agency because Defendant, Grover Lee Burnham, Jr., was at all times material hereto an agent, ostensible agent, servant and/or employee of Defendant, Alisam Enterprises, LLC and was acting within the course and scope of such agency or employment. As a result thereof, Defendant, Alisam Enterprises, LLC is vicariously liable for all negligence of Defendant, Grover Lee Burnham, Jr.

4.6 Defendant, Alisam Enterprises, LLC was also negligent and negligent *per se* in the entrustment of its vehicle to Grover Lee Burnham, Jr. Such entrustment constitutes negligence and negligence *per se* which was a proximate cause of the incident and damages complained of herein. Plaintiffs therefore bring this action under general negligence and under negligent entrustment theories.

4.7 Defendant, Alisam Enterprises, LLC was also negligent in failing to properly train, instruct and supervise Defendant, Grover Lee Burnham, Jr. Defendant, Alisam Enterprises, LLC failed to provide the proper training and instruction to Defendant, Grover Lee Burnham, Jr., which would have provided him with the proper skills and knowledge to avoid the collision, which forms the basis of this lawsuit. Defendant, Alisam Enterprises,

LLC's failure to properly instruct and train their driver was a proximate cause of the accident and Plaintiffs' resulting injuries and damages.

4.8 Plaintiffs would further show that the occurrence that forms the basis of this suit was proximately caused by the willful acts and omissions and gross negligence in the performance of the non-delegable duties of the Defendants. Defendants' conduct was grossly negligent and constitutes malice, as that term is understood in Texas law. It was carried out with a flagrant disregard for the rights of others and with actual awareness on the part of Defendants that their actions would, and in reasonable probability did, result in great bodily harm. Accordingly, Plaintiffs are entitled to recover exemplary and punitive damages in addition to the amount of their actual damages.

4.9 As a direct and proximate result of the conduct of Defendants, Wyatt Craig Cravens, Jr., was killed. By reason of those injuries and the damages flowing in law therefrom, this suit is maintained.

4.10 Wyatt Craig Cravens, Sr., and Kathy Cravens, have suffered pecuniary loss from the death of their son. In all reasonable probability, decedent would have continued to provide for his parents until their death. Wyatt Craig Cravens, Sr., and Kathy Cravens seek to recover a sum of money that would fairly and reasonably compensate them for the termination of their parent-child relationship, including the loss of the love, companionship and society that they would have received from their child, Wyatt Craig Cravens, Jr., had he lived. They also seek compensation for the mental anguish, emotional pain, torment and

suffering that they have suffered, and in reasonable probability will continue to suffer in connection with the wrongful death of Wyatt Craig Cravens, Jr.

## **5. Pre- and Post-Judgment Interest**

5.1 Plaintiffs would additionally say and show that they are entitled to recovery of pre-judgment interest in accordance with law and equity as part of their damages herein, and Plaintiffs here and now sue for recovery of pre-judgment interest as provided by law and equity, under the applicable provisions of the laws of the State of Texas.

## **6. Jury Demand and Request for Disclosures**

6.1 Plaintiffs hereby request a trial by jury. Plaintiffs also request that Defendant submit Responses to Disclosures, pursuant to the Texas Rules of Civil Procedure.

## **7. Conclusion and Prayer**

Plaintiff requests that Defendants be cited to appear and answer, and that on final trial Plaintiffs have: (1) judgment against Defendants, for actual, compensatory and exemplary damages in accordance with the evidence; (2) pre-judgment and post-judgment interest as provided by law; (3) costs of court; (4) attorney's fees; and (5) such other and further relief, general and special, to which Plaintiffs may show themselves justly entitled at law and in equity.

Respectfully submitted,

**VB Attorneys**

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