

CAUSE NO. \_\_\_\_\_

KAO LEE YANG, Individually, and obo,  
S.V. & T.V., Minors  
*Plaintiff,*

vs.

TEICHMAN GROUP, LLC, T&T MARINE,  
INC., & EXPRESS PROFESSIONAL  
SERVICES, INC.  
*Defendants.*

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IN THE DISTRICT COURT OF

\_\_\_\_\_ JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ORIGINAL PETITION**

TO THIS HONORABLE COURT:

Plaintiff Kao Lee Yang, individually, and on behalf of her minor children, S.V. and T.V., file this Original Petition against Defendants Teichman Group, LLC, T&T Marine, Inc., and Express Professional Services, Inc., and respectfully show this Honorable Court the following:

**Summary of this Case**

On September 20, 2017, Chi Vong was working for Express Professional Services at the T&T Marine facility in Galveston. T&T Marine is a subsidiary of the Teichman Group, LLC. Teichman is an international provider of marine services to companies across the globe. Plaintiff had only begun working at this facility the day before. At approximately 11am on September 20, a crane toppled over on top of Mr. Vong during his shift, killing him. Mr. Vong leaves behind a young wife and two small children. But for the egregious conduct of the Defendants, this preventable accident would not have occurred.

Plaintiffs seek more than \$25 million from the Defendants.

**I.**

**Discovery Control Plan**

Plaintiff intends to conduct discovery under Level 2.

**II.**  
**Parties**

Plaintiff Kao Lee Yang is a resident of Texas. Ms. Yang is the mother of minors SV and TV. She was the wife of Chi Vong, deceased. She brings these claims individually and on behalf of her minor children.

Defendant T&T Marine, Inc. is a domestic corporation doing business in Texas. Defendant can be served via its registered agent in Texas, Deborah Busby, 9738 Teichman Road, Galveston, TX 77554.

Defendant Teichman Group, LLC is a domestic limited liability company doing business in Texas. Defendant can be served via its registered agent in Texas, Deborah Busby, 9738 Teichman Road, Galveston, TX 77554.

Defendant Express Professional Services, Inc. is a domestic for profit corporation doing business in Texas. Defendant can be served via its registered agent in Texas, Daniel Nino, at 10190 Katy Freeway, Ste. 5100, Houston, Texas 77043.

**III.**  
**Venue and Jurisdiction**

Plaintiffs seek damages in excess of \$75,000.00, exclusive of interest and costs; however, federal courts lack subject matter over this action, as there is no federal question and there is incomplete diversity of citizenship due to the presence of a plaintiff and a defendant who are both residents and citizens of Texas. Removal would thus be improper. No party is asserting any claims arising under the Constitution, treaties, or laws of the United States. Venue is proper in this County as at least one Defendant maintains a principal office here.

**IV.**  
**Facts**

This case arises from negligence that occurred at Mr. Vong's place of work. An improperly placed and operated crane was operating at the T&T Marine facility on September 20, 2017. The crane, an 80 ton Tadano GT 800XL, overturned while operating free on wheels with a fair bit of boom extended. The crane fell over sideways, and, according to local reports, its boom landed on Mr. Vong and his co-worker. These two workers eventually died from their injuries.

**V.**  
**Causes of Action**

**Negligence – All Defendants**

Plaintiff incorporates the preceding paragraphs of this Petition as if set forth fully below.

Defendants owned and operated the crane. The crane was placed negligently and was being operated negligently. Specifically, Defendants breached their duty in the following ways:

1. Causing, or permitting to be caused, a crane collapse;
2. Failing to maintain a safe work place;
3. Failing to have a reliable system to prevent the incident;
4. Failing to operate the crane in a safe and prudent manner;
5. Failing to exercise reasonable and prudent care in the operations which were occurring at the facility on the date of the incident;
6. Failing to implement, follow, and enforce proper operations procedures;
7. Failing to keep a proper lookout;
8. Failing to implement, follow, and enforce proper safety procedures;
9. Failing to properly inspect, maintain and equip the crane in a prudent manner;
10. Failing to implement, follow, and enforce proper hazard analysis;

11. Failing to properly operate the crane;
12. Failing to properly train and staff members operating the Crane;
13. Failing to properly supervise those operating the Crane;
14. Failing properly maintain the Crane;
15. Failing to properly inspect the Crane;
16. Failure to properly stabilize the Crane.

Defendants' breach of these duties, one or a combination thereof, proximately caused injuries brought forth by the Plaintiff.

The acts of negligence committed by Defendants' agents, servants, and/or employees arose directly out of and was done in prosecution of the business that they were employed to do by Defendant, who is therefore liable under the doctrine of respondeat superior for their negligent actions.

#### **Gross Negligence – All Defendants**

Defendants were grossly negligent and acted with malice, as those terms are understood under Texas law, and such conduct was a proximate cause of the occurrence and of Plaintiffs' injuries and damages. Defendants' malicious and grossly negligent conduct justifies the imposition of punitive and exemplary damages both as punishment to Defendants for their callous disregard and as a deterrent to others from engaging in similar conduct. Plaintiffs therefore ask for and are entitled to punitive and exemplary damages in addition to all actual damages.

#### **VI. Damages**

As stated, Plaintiff's injuries are extensive. The Plaintiffs in this case seeks wrongful death damages, and survival damages on behalf of the estate. As a direct and proximate result of

the foregoing events, Plaintiffs have suffered damages in the past and, in reasonable probability, will continue to suffer damages in the future, including physical pain and mental anguish, loss of wages and loss of earning capacity, loss of consortium, and medical care, all for which Plaintiffs seek recovery herein.

All Plaintiffs seek damages for loss of services and loss of consortium.

Plaintiffs seek all wrongful death damages allowed by Texas law.

**VII.**  
**Exemplary Damages**

Plaintiffs seeks to recover exemplary damages against all Defendants based on their gross negligence in causing the incident and resulting injuries and damages made the basis of this suit.

**VIII.**  
**Demand for Jury**

Plaintiffs demand a jury trial and has tendered the appropriate fee.

**IX.**  
**Requests for Disclosure**

Pursuant to Tex. R. Civ. P. 194, Plaintiffs requests that each Defendants disclose within fifty (50) days of service of this Request for Disclosure, the information and/or material described in Rule 194.2.

**X.**  
**Prayer**

For these reasons, Plaintiffs asks that Defendants be cited to appear and answer, and that they have judgment against Defendants for the following:

- a. Actual damages for physical pain and suffering, mental anguish, physical disfigurement, physical impairment, medical expenses, loss of earning capacity, loss of consortium, wrongful death damages, survivor claim damages, and loss of

services, within the jurisdictional limits of this Court, but no less than \$25,000,000:

- b. Exemplary damages;
- c. Court costs;
- d. Pre and post judgment interest; and
- e. All other relief to which the Plaintiff is justly entitled.

Respectfully submitted,

**THE BUZBEE LAW FIRM**

By: */s/ Anthony G. Buzbee* \_\_\_\_\_

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**ATTORNEYS FOR PLAINTIFF**

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Plaintiff's Original Petition

FILE DATE OF MOTION: September 22, 2017
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: T&T Marine, Inc.
ADDRESS: 9738 Teichman Road, Galveston, TX 77554
AGENT, (if applicable): Deborah Busby

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

- ATTORNEY PICK-UP
CIVIL PROCESS SERVER - Authorized Person to Pick-up: Court Records Research
MAIL
PUBLICATION:
OTHER, explain

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\*\*\*\*

2. NAME: Teichman Group, LLC
ADDRESS: 9738 Teichman Road, Galveston, TX 77554
AGENT, (if applicable): Deborah Busby

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

- ATTORNEY PICK-UP
CIVIL PROCESS SERVER - Authorized Person to Pick-up: Court Records Research
MAIL
PUBLICATION:
OTHER, explain

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Christopher J. Leavitt TEXAS BAR NO./ID NO. 24053318
MAILING ADDRESS: 600 Travis Street, Suite 7300, Houston, TX 77002
PHONE NUMBER: 713 223-5393 FAX NUMBER: 713 223-5909
EMAIL ADDRESS: cleavitt@txattorneys.com

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FILE DATE OF MOTION: September 22, 2017
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Express Professional Services, Inc.
ADDRESS: 10190 Katy Freeway, Ste. 5100, Houston, Texas 77043
AGENT, (if applicable): Daniel Nino

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

- ATTORNEY PICK-UP
CIVIL PROCESS SERVER - Authorized Person to Pick-up: Court Records Research Phone:
MAIL
PUBLICATION:
Type of Publication: COURTHOUSE DOOR, or NEWSPAPER OF YOUR CHOICE:
OTHER, explain

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2. NAME:
ADDRESS:
AGENT, (if applicable):

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):

SERVICE BY (check one):

- ATTORNEY PICK-UP
CONSTABLE
CIVIL PROCESS SERVER - Authorized Person to Pick-up: Phone:
MAIL
CERTIFIED MAIL
PUBLICATION:
Type of Publication: COURTHOUSE DOOR, or NEWSPAPER OF YOUR CHOICE:
OTHER, explain

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

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