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Bexar District  
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Jennifer Contreras

CAUSE NO. 2011 CT 02110

ALBERT MARTIN GOMEZ, SR.,  
INDIVIDUALLY AND AS THE  
ADMINISTRATOR OF THE ESTATE  
OF ALBERT MARTIN GOMEZ, JR.,  
AND SANDRA GOMEZ,  
Plaintiffs,

IN THE DISTRICT COURT

vs.

THE GEO GROUP, INC., AND  
JANE DOE 1,  
Defendants.

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285 JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

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PLAINTIFFS' ORIGINAL PETITION,  
REQUEST FOR DISCLOSURE AND JURY DEMAND

TO THE HONORABLE JUDGE AND JURY OF THIS COURT:

COME NOW Plaintiffs ALBERT MARTIN GOMEZ, SR., INDIVIDUALLY AND AS THE ADMINISTRATOR OF THE ESTATE OF ALBERT MARTIN GOMEZ, JR., AND SANDRA GOMEZ, complaining of Defendants, THE GEO GROUP, INC., and JANE DOE 1, and for cause of action would show unto the Court and jury the following

I. Discovery-Control Plan

1. Plaintiffs intend to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.3.

II. Parties

2. Plaintiff, ALBERT MARTIN GOMEZ, SR., is the surviving father of ALBERT MARTIN GOMEZ, JR., deceased, and resides in Bexar County, Texas. ALBERT MARTIN GOMEZ, SR. brings this survival action in his individual capacity and also as the ADMINISTRATOR OF THE ESTATE OF ALBERT MARTIN GOMEZ, JR. In accordance with §30.014(a) of the Texas Civil Practice and Remedies Code, Plaintiff provides the following

identification information: the last three numbers of his Texas Driver's License number are 910 and the last three numbers of his Social Security Number are 653.

3. Plaintiff, SANDRA GOMEZ, is the surviving mother of ALBERT MARTIN GOMEZ, JR., deceased, and resides in Bexar County, Texas. SANDRA GOMEZ brings this suit in her individual capacity, Plaintiff is an heir to THE ESTATE OF ALBERT MARTIN GOMEZ, JR.. In accordance with §30.014(a) of the Texas Civil Practice and Remedies Code, Plaintiff provides the following identification information: the last three numbers of her Texas Driver's License number are 271 and the last three numbers of her Social Security Number are 193.

4. Defendant, THE GEO GROUP, INC. is a Foreign For-Profit Corporation with its principal office in Boca Raton, Florida. This Defendant may be served with process in this case by serving its Registered Agent, Corporate Creations Network, Inc. 4265 San Felipe 31100, Houston, Texas 77027, in person or by sending a copy of the citation and petition by registered or certified mail, return receipt requested, with delivery restricted to the addressee only, pursuant to Texas Rule of Civil Procedure 106(a)(2).

5. Defendant JANE DOE 1 is a person who is employed by Defendant, THE GEO GROUP, INC. at its Central Texas Detention Facility located at 218 South Laredo Street, San Antonio, Texas 78207-4532. JANE DOE 1's name, identity and address are currently unknown.

### III. Jurisdiction and Venue

6. This Court has jurisdiction over this matter pursuant to Article V, Section 8 of the Texas Constitution and Section 24.007 of the Texas Government Code. As discussed in more detail below, the damages sustained by plaintiffs greatly exceed the minimum jurisdictional limits of this Court.

7. Venue is appropriate in Bexar County pursuant to Section 15.002(a)(I) and

15.002(a)(2) of the Texas Civil Practice and Remedies Code in that all or a substantial part of the events or omissions giving rise to the claim occurred in Bexar County, Texas. In addition, at the time the cause of action accrued, ALBERT MARTIN GOMEZ, JR., deceased resided in Bexar County, Texas.

8. Because Plaintiffs have established proper venue in Bexar County as to Defendant JANE DOE 1, venue is proper in this County as to Defendant THE GEO GROUP, INC. pursuant to section 15.005 of the Texas Civil Practice and Remedies Code.

#### IV. Facts

9. On May 19, 2010, Albert Gomez, Jr. was incarcerated at the GEO GROUP, INC. ("GEO") Central Texas Detention Facility, for a non-violent, non-drug related alleged offense – counterfeiting.

10. While in the custody of the GEO and while being held in a segregation cell where his access to the general prisoner population was restricted, Albert Gomez, Jr. died, allegedly of a heroin and/or other illegal narcotic overdose.

11. On information and belief, heroin and/or other illegal narcotics were provided and/or administered to Albert Gomez, Jr. by a guard and employee of the GEO.

12. On information and belief, GEO guards and employees participate in the illegal black market sale of drugs.

13. Albert Gomez, Jr. was found unconscious and unresponsive in his cell on the morning of May 19, 2010.

14. Albert Gomez, Jr. was transported to CHRISTUS Santa Rosa Hospital-City Centre where he died.

15. On information and belief, GEO employees are not properly or adequately trained

to administer first aid to narcotic overdose victims, despite the GEO's knowledge that dangerous illegal narcotics are sold, administered and available to inmates at the GEO facility from GEO guards and/or employees. This negligent training directly caused Albert Gomez, Jr.'s death.

16. On information and belief, GEO employees are not properly or adequately supervised – this negligent supervision allows GEO guards and employees to participate in the illegal black market sale of drugs to prisoners. This negligent supervision directly caused Albert Gomez, Jr.'s death.

17. Because of the negligent and inadequate training and supervision of GEO employees and guards, Albert Gomez, Jr. was not transported to a hospital, or given adequate first aid and/or medical attention in a timely manner that would have saved his life – as a direct result, he died.

18. GEO has not established or enforced adequate policies, procedures or training programs to its guards and employees for them to recognize a drug overdose case and correctly render aid – despite the knowledge that illegal narcotics are available in the Central Texas Detention Facility and from guards and employees.

19. On information and belief, GEO has hired unfit persons as guards and/or employees and failed to adequately investigate the persons it hires.

V. Causes of Action

Count 1 – Survival Action

20. Plaintiffs incorporate by reference all of the allegations in each of the paragraphs above, as if fully set forth herein.

21. In addition to other counts, before dying, Albert Martin Gomez, Jr. had causes of action for personal injury, negligence, and gross negligence (all discussed further below).

22. Plaintiffs are entitled to damages for Albert Gomez, Jr.'s pain and suffering, mental anguish and funeral expenses.

23. Exemplary damages. Plaintiffs' injuries resulted from Defendants' gross negligence and/or intentional, willful conduct and/or omissions, which entitle Plaintiffs to exemplary damages under Texas Civil Practice & Remedies Code section 41.008(b).

County 2 – Wrongful Death

24. Plaintiffs incorporate by reference all of the allegations in each of the paragraphs above, as if fully set forth herein.

25. Plaintiffs are the surviving parents of Albert Martin Gomez, Jr.

26. Plaintiff Albert Gomez, Sr. is the Administrator of the Estate of Albert Martin Gomez, Jr.

27. Albert Gomez, Jr. died as a result of Defendant's wrongful conduct described herein.

28. Albert Gomez, Jr. would have been entitled to bring this action against Defendants if he had lived as described herein.

29. Defendant's conduct that caused Albert Gomez, Jr.'s death was a producing cause of the injuries to Plaintiff.

30. Plaintiff seeks unliquidated damages within the jurisdictional limits of this court.

31. Exemplary damages. Albert Gomez, Jr.'s death resulted from Defendant's willful act or omission or from Defendant's gross negligence, which entitles decedent's spouse and the heirs to decedent's body to exemplary damages under Texas Constitution article 16, section 26.

Count 3 – Negligence

32. Plaintiffs incorporate by reference all of the allegations in each of the paragraphs above, as if fully set forth herein

33. The GEO failed to use ordinary care, that is, failed to do that which a person/company of ordinary prudence would have done in the operation of a prison facility under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

34. The GEO has the recognized legal duty to provide safe, sanitary, and drug-free prisons.

35. Specifically, the Defendants breached their duties of care in the following ways:

- a. Defendants and GEO employees and/or guards knowingly and intentionally provided and/or administered heroin and/or other dangerous illegal narcotics to Albert Gomez, Jr., a prisoner in the care and custody of the GEO, its guards and employees;
- b. The GEO failed to adequately supervise its guards and/or employees, despite knowing that its guards and/or employees were and/or have been involved in the black-market sale and distribution of inherently dangerous and illegal narcotics in its prisons and specifically, the Central Texas Detention Facility;
- c. The GEO failed to adequately train its guards and/or employees to recognize, respond, react and administer first-aid to prisoners that have overdosed or experienced medical emergencies as a result of the consumption of illegal and dangerous narcotics;
- d. GEO guards and/or employees knew or should have known that a medical emergency would occur or was likely as a result of their providing and/or administering illegal and dangerous narcotics to Albert Gomez, Jr. while he was in their custody;
- e. GEO guards and/or employees responded negligently to the medical emergency experienced by Albert Gomez, Jr. as a result of his consumption of illegal and dangerous narcotics;
- f. GEO hire persons who are wholly unfit, unqualified and

inappropriate to act as guards in a Federal prison facility.

36. Defendants' breaches of their duties proximately caused Albert Gomez, Jr.'s wrongful death and injuries to Plaintiffs, which resulted in the following damages:

- a. Loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value that the Defendants would have received from Albert Gomez, Jr. had he lived, including past and future pecuniary losses;
- b. Loss of companionship and society and for mental anguish.

37. Plaintiffs seek unliquidated damages within the jurisdictional limits of this court.

38. Exemplary damages. Plaintiffs' injuries resulted from Defendants' gross negligence and/or intentional, willful conduct and/or omissions, which entitle Plaintiffs to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

39. The GEO acted with malice in the hiring of unfit guards and/or employees which entitle Plaintiffs to exemplary damages under Texas Civil Practice & Remedies Code section 41.005(b)(1).

40. The GEO failed to make reasonable efforts to prevent the criminal offenses of its employees.

#### Count 4 – Negligence Per Se

41. Plaintiffs incorporate by reference all of the allegations in each of the paragraphs above, as if fully set forth herein

42. In addition to other counts, Defendants' negligence described in Count 3 violated Texas State and Federal penal statutes prohibiting the sale and distribution of heroin and other narcotics, the possession of heroin and/or other narcotics, the sale and possession of heroin and other narcotics in a prison, and conspiracy to sell heroin and/or other narcotics, and other statutes.

43. Defendants' breach of the duties imposed by Texas State and Federal drug laws and laws prohibiting the sale and distribution of illegal drugs proximately caused Albert Gomez, Jr.'s wrongful death, which resulted in the following damages to Plaintiffs:

44. Defendants' breaches of their duties proximately caused Albert Gomez, Jr.'s wrongful death and injuries to Plaintiffs, which resulted in the following damages:

a. Loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value that the Defendants would have received from Albert Gomez, Jr. had he lived, including past and future pecuniary losses;

b. Loss of companionship and society and for mental anguish.

45. Plaintiffs seek unliquidated damages within the jurisdictional limits of this court.

46. Exemplary damages. Plaintiffs' injuries resulted from Defendants' gross negligence and/or intentional, willful conduct and/or omissions, which entitle Plaintiffs to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a).

#### VI. Jury Demand

47. Plaintiffs demand a jury trial and tenders the appropriate fee with this petition.

#### VII. Request for Disclosure

48. Under Texas Rule of Civil Procedure 194, Plaintiffs request that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

#### VIII. Prayer

49. For these reasons, Plaintiffs ask that the Court issue citation for Defendants to appear and answer, and that Plaintiffs be awarded a judgment against Defendants for the following:

a. Actual damages, including, but not limited to:



1. Loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value that the Defendants would have received from Albert Gomez, Jr. had he lived, including past and future pecuniary losses;
  2. Loss of companionship and society and for mental anguish;
  3. Damages for Albert Gomez, Jr.'s personal injuries, and Defendants' negligence, and gross negligence;
  4. Damages for Albert Gomez, Jr.'s pain and suffering, mental anguish and funeral expenses;
- b. Exemplary damages;
  - c. Prejudgment and post judgment interest;
  - d. Court costs;
  - e. All other relief to which Plaintiffs are entitled, whether in equity or in law.

Respectfully submitted,

BY: /s/ Matthew F. Wymer  
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