## **EXHIBIT A**

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Civil Docket; Case 20CV35246; Civil

MARIA YOLANDACHAVEZ INDIVIDUALLY AND ON BEHALFMINOR LC AND ESTATE OF JOSE ANGEL CHAVEZ, ANGEL CHAVEZ, AND JOHNNY CHAVEZ vs TYSON FOODS, INC.

Filed 05/18/2020 - Disposition:

273rd District Court, District Clerk, Shelby County, Texas

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Date	Description/Comments	Reference	Тур	Amount
	PLAINTIFFS' ORIGINAL PETITION -KP-2020.05.18 Original Petition - EFiled on 05/18/2020. Submitted by Patrick O'Hara (pjo@oharaattorney.com)		TXT	
05/18/2020	EFILE PRINT PREVIEW -PLAINTIFF'S ORIGINAL PETITION - KP		"	
05/19/2020	CIVIL CASE INFORMATION SHEET -KP		11	
05/19/2020	CIVIL PROCESS REQUEST FORM -KP		11	
05/19/2020	CITATION ISSUED TO TYSON FOODS C/M-7019 1640 0002 0542 4669 -KP		"	
05/27/2020	CITATION GREEN CARD RETURNED SERVED -TYSON FOODS, INC CT CORPORATION ON SYSTEM- C/M# 7019 1640 0002 0542 4669 -KP		"	
05/28/2020	CASE SUMMARY REQUESTED FROM BETHANY SILVA -KP		11	
05/29/2020	EMAIL FROM BETHANY SILVA REQUESTING DOCUMENTS AND CASE SUMMARY -KP		"	
06/02/2020	CHECK ISSUED #10018 FOR \$8 OVERPAYMENT ON FILING FEE TO PATRICK O'HARALO		"	
	LETTER REQUESTING CERTIFIED COPIES OFCASE - LJ - Chavez ltr to Shelby County req certified copies - EFiled on 06/08/2020. Submitted by Cathy Preston (cpreston@mayerllp.com)		11	
06/08/2020	EFILE PRINT PREVIEW - LETTER REQUESTING CERTIFIED COPIES - LJ		"	

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#### 6/15/2020 Case 9:20-cv-00134-RC-KFG Document 102ck File (1/06/15/2007) Page 3 of 14 Page ID #: 11

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Lori Oliver, District Clerk Shelby County, Texas A CERTIFIED COPY pgofof		ORDERS OF COURT	Harrick O'Harer Plaintiff.	ATTORNEYS
		Minute Book Vol. Page	Other Civil	KIND OF ACTION
		Paid by total Uttors.  PROCESS	40.00 10.00	DATE OF FILING  Month Day Year

# CIVIL DOCKET

'M Inc., Dallas 1-800-648-7022

case no 200035244

Lori Oliver
District Clerk
Shelby County, Texas

# 48

## CAUSE NO. 20CV35246

MARIA YOLANDACHAVEZ Individually	§	IN THE DISTRICT COURT OF
and on behalf Minor LC and Estate of JOSE	§	
ANGEL CHAVEZ, ANGEL CHAVEZ	§	
and JOHNNY CHAVEZ	§	
	§	
Plaintiffs	§	
	§	
VS.	§	SHELBY COUNTY, TEXAS
	§	
TYSON FOODS, INC.	§	
	§	
Defendant	§	JUDICIAL DISTRICT

#### PLAINTIFFS' ORIGINAL PETITION

#### TC THE HONORABLE JUDGE OF SAID COURT:

NOW COMES MARIA CHAVEZ Individually and on behalf of LIZBETH CHAVEZ and Estate of JOSE ANGEL CHAVEZ, ANGEL CHAVEZ and JOHNNY CHAVEZ ("Plaintiffs"), complaining of and about TYSON FOODS, INC., ("Defendant"), and for cause of action would show unto the Court the following:

#### DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff affirmatively pleads that the aggregate monetary relief sought is over \$1,000,000.00. Therefore, Plaintiff intends to conduct discovery under Level 3 of the Discovery Control Plan, Rule 190.4 of the Texas Rules of Civil Procedure.

#### JURISDICTION AND VENUE

2. This court has jurisdiction and venue is proper in Shelby County, Texas because the occurrence made the basis of this suit occurred in Shelby County, Texas.



#### PARTIES AND SERVICE

- 3. Plaintiffs are individuals residing in Texas.
- 4. Tyson Foods, Inc. is a foreign corporation licensed to do business in Texas and is doing business in Shelby County, Texas, and may be served with citation through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

#### **FACTS**

- 5. Jose Angel Chavez was an employee of Tyson Foods, Inc. for over twenty years. He was married to Maria Yolanda Chavez. Johnny Chavez, Angel Chavez and Lizbeth Chavez were his children.
- 6. Tyson Foods, Inc. failed to provide a safe work environment for Jose Angel Chavez after the COVID-19 pandemic began. On or around April 2020, Jose Angel Chavez experienced symptoms from an infection with the coronavirus. On April 17, 2020, Jose Angel Chavez died from complications caused by the coronavirus.
- 7. Tyson Foods, Inc. failed to protect its employees from the known dangers associated with the coronavirus. Tyson Foods, Inc. failed to perform the following:
  - a. Maintain a safe distance between employees;
  - b. Provide personal protection equipment such as masks, gloves and/or face guards;
  - c. Require employees to not come to work who are sick;
  - d. Take the temperature of employees upon entering the building; and/or
  - e. Shutdown the plant for a limited time.
- 8. As a result of Defendant's failure to use ordinary care, Jose Angel Chavez was infected with the coronavirus at work.



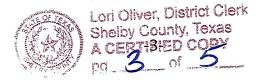
9. Tyson Foods, Inc. is a nonsubscriber.

#### NEGLIGENCE/WRONGFUL DEATH

- 10. Defendant had a duty to exercise the degree of care that a reasonably prudent employer would use to avoid harm to its employees under the circumstances similar to those described herein.
- 11. The negligent, careless and reckless disregard of said duty of care by Defendant, consisted of, but is not limited to, the following acts and omissions:
  - a. Failure to maintain a safe distance between employees;
  - Failure to provide personal protection equipment such as masks, gloves and/or face guards;
  - c. Failure to require employees to not come to work who are sick;
  - d. Failure to take the temperature of employees upon entering the building;
  - e. Failure to shutdown the plant for a limited time; and/or
  - f. Failure to warn employees when other employees became ill with coronavirus like symptoms.
- 12. Each of such acts and omissions, singularly or in combination with others constituted negligence which proximately caused the death of Jose Angel Chavez and the injuries which Plaintiffs suffered.

#### **DAMAGES**

- 13. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiffs, Maria Chavez Lizbeth Chavez, Angel Chavez and Johnny Chavez have incurred the following damages:
  - a. Past and future pecuniary loss;



- b. Past and future loss of companionship and society;
- c. Past and future mental anguish; and
- d. Loss of inheritance.
- 14. The Estate of Jose Angel Chavez as a direct and proximate result of the occurrence made the basis of this lawsuit has incurred the following damages:
  - a. Pain and suffering;
  - b. Mental anguish;
  - c. Medical expenses; and
  - d. Funeral and burial expenses.

By reason of all of the above, Plaintiffs have suffered losses and damages in a sum of within jurisdictional limits of the Court and for which this lawsuit is brought.

#### **EXEMPLARY DAMAGES**

- 15. Plaintiffs incorporate by reference all averment of facts contained in this Petition.
- 16. Defendant's conduct as described herein constitutes gross negligence.
- 17. When viewed objectively from the Defendant's standpoint at the time of the occurrence, the Defendant's acts and omissions described herein involved an extreme degree of risk, considering the probability and magnitude of potential harm to others.
- 18. Defendant had actual, subjective awareness of said risk but proceeded with a conscious indifference to the rights, welfare and safety of others. On information and belief, Defendant knew that employees were sick from the coronavirus and failed to warn other employees. Defendant was aware of the risks associated with employees working in close proximity without proper protection, yet failed to take any corrective or protective measures.



19. Defendant's conduct and conscious indifference to the safety of others proximately caused Plaintiff's injuries and damages, and Plaintiff accordingly sues for exemplary damages.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, respectfully pray that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendant for actual damages; pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,

O'HARA LAW FIRM

Patrick O'Hara

By:

PATRICK O'HARA State Bar No.: 24060353 O'Hara Law Firm 14550 Torrey Chase Blvd., Suite 260 Houston, Texas 77014

Telephone: 281-919-2073 Facsimile: 281-783-2084 pjo@oharaattorney.com

STATE OF TEXAS
COUNTY OF SHELBY
I, Lori Oliver, District Clerk of Shelby
County, Texas do hereby certify that the
foregoing is a five and correct copy of the
original record, now in the correct copy of the
possession, as a many five out of the
possession, as a many of the control of the to
my office.

LORI OLIVER, DISTRICT CLERY
SHELBY COUNTY, TEX



## CIVIL CASE INFORMATION SHEET 20CV35246

273RD CAUSE NUMBER (FOR CLERK USE ONLY): COURT (FOR CLERK USE ONLY):

STYLED MARIA YOLANDA CHAVEZ, et al v. TYSON FOODS, INC.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing the time of filing.

1. Contact information for per	son completing case information shee	et: Names of parties in	1 case:	Person or entity completing sheet is:		
Name: Email: Patrick O'Hara pjo@oharaattorney.co m		Plaintiff(s)/Petitione	Plaintiff(s)/Petitioner(s):  Maria Yolanda Chavez, etal  Maria Yolanda Chavez, etal			
14550 Torrey Chase Telephone: Blvd., Suite 260 281-919-2073			Additional Parties in Child Support Case  Defendant(s)/Respondent(s):  Custodial Parent:			
City/State/Zip: Houston, TX 77014	Fax: 281-783-2084	Tyson Foods, Inc	Tyson Foods, Inc. Non-Custodial Parent:			
Punature:	281-783-2084  State Bar No: 24060353	[Attach additional page as a	Presumed Father:  [Attach additional page as necessary to fist all parties]			
2. Indicate case type, or identif	y the most important issue in the case	(select only 1):				
	Civil			Family Law		
Contract	Injury or Damage	Real Property	Marriage Relationsh	Post-judgment Actions ip (non-Title IV-D)		
Debt/Contract Consumer/DTPA Debt/Contract Fraud/Misrepresentation Other Debt/Contract:	Construction Defamation Malpractice	Eminent Domain/ Condemnation Partition Quiet Title Trespass to Try Title	Annulment Declare Marriage Voltoree With Children	in in it is		
Foreclasure  Home Equity—Expedited  Other Foreclosure		Other Property:		■ Paternity ■ Reciprocals (UIFSA) ■ Support Order		
Franchise Insurance	Motor Vehicle Accident Premises	Matters	Other Family Law			
	Product Liability  Asbestos/Silica  Other Product Liability List Product:	Expunction Judgment Nisi Non-Disclosure Seizure/Forfeiture Writ of Habeas Corpus— Pre-indictment Other:	■ Enforce Foreign Judgment ■ Habeas Corpus ■ Name Change ■ Protective Order ■ Removal of Disabili of Minority ■ Other:	Adoption/Adoption with Termination Child Protection Child Support Custody or Visitation ties Gestational Parenting Grandparent Access Paternity/Parentage		
Employment	Other Civ	the same of the sa	6	Termination of Parental		
Discrimination Retaliation Termination Workers' Compensation Other Employment:	Antitrust/Unfair Competition Code Violations	Lawyer Discipline Perpetuate Testimony Securities/Stock Tortions Interference Other:	B Y <b>D</b> 8	Rights Other Parent-Child:		
Tax		Probate & M	ental Health	25/ <b>* 25</b> /5/		
Tax Appraisal Tax Delinquency Other Tax	ax Delinquency Dependent Administration		Guardianship—Adult CC 9 CCC 9			
3. Indicate procedure or remedy	, if applicable (may select more than 1		<b>⊆</b>			
Appeal from Municipal or Justice Court  Arbitration-related  Attachment  Bill of Review  Certiorari  Class Action  Declaratory Judgment  Garnishment  Interpleader  License  Mandamus  Post-judgment  Declaratory Judgment  Receiver  Receiver  Sequestration  Temporary Restraining Order/Injunction  Turnover				rder n		
4. Indicate damages sought (do	not select if it is a family law case):	y County, Texas RiffED CAPY				
	00	Tot 2				

Case 9:20-cv-00134-RC-KFG Document 1-2 Filed 06/15/20 Page 11 of 14 PageID #: 19

Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees Less than \$100,000 and non-monetary relief
Over \$100,000 but not more than \$200,000
Over \$200,000 but not more than \$1,000,000
Over \$1,000,000

Rev 2/13

STATE OF TEXAS
COUNTY OF SHELBY
1, Lori Oliver, District Clerk of Shelby
County, Texas do hereby certify that the
foregoing is a true and correct copy of the
original record, now in my lawful custody and
possession, as access of Lecond in Vol.
Page Minutes of said court on file in
my office.

Witness my of this \_\_\_

LORI O

SHELBY

Lori Oliver, District Clerk Shelby County, Texas A CERTIFIED COPY pg 2 of 2

# Case 9:20-cv-00134-RC-KFG Document 1-2 Filed 06/15/20 Page 12 of 14 PageID #: 20 CIVIL PROCESS REQUEST FORM

FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER	
20CV35246 CASE NUMBER: CURRENT COURT: _	273RD
TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): PLAINTIFFS' ORIGI	
FILE DATE OF MOTION: 05/18/2020 Month/ Day/	
Month/ Day/ SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The P	
1. NAME: TYSON FOODS, INC.	_
ADDRESS:	
AGENT, (if applicable) CT Corporation System, 1999 Bryan Street, Suite	
TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):	STATE OF TENAN
SERVICE BY (check one):  ATTORNEY PICK-UP  CIVIL PROCESS SERVER - Authorized Person to Pick-up: Infinity  MAIL  PUBLICATION:  Type of Publication:  COURTHOUSE DOOR, or  NEWSPAPER OF YOUR CHOICE:  OTHER, explain	I, Lori Oliver, District Clerk of Shell County, Texas do hereby certify that the foregoing is a true and correct copy of the Reporting — Phones 832, 730, 448 for rect copy of the possession as appears of record in Vol.  Fage Micross of Jain Court on file in this 148 for rect control of the possession as appears of record in Vol.  Witness my care of the possession of the
**************************************	LORI OLIVER, DISTRICT CLERK SHELBY COINTY TEXAS  By  By  A  O  O  O  O  O  O  O  O  O  O  O  O
ADDRESS:	<del>                                      </del>
AGENT, (if applicable):  TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type):	7 3 3 3 5 5 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6
SERVICE BY (check one):  ATTORNEY PICK-UP  CIVIL PROCESS SERVER - Authorized Person to Pick-up: Infinity MAIL  PUBLICATION: Type of Publication:  COURTHOUSE DOOR, or NEWSPAPER OF YOUR CHOICE:	
OTHER, explain	
ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:  NAME: Patrick O'Hara TEXAS  MAILING ADDRESS: 14550 Torrey Chase Blvd., Suite 260, Houston, TX 77014  PHONE NUMBER: 281 919-2073 FAX NUMBER: area code phone number	
EMAIL ADDRESS:	No.



Cause No. 20CV35246

1

THE STATE OF TEXAS

MARIA YOLANDACHAVEZ INDIVIDUALLY AND ON BEHALF MINOR LC AND ESTATE OF JOSE ANGEL CHAVEZ, ANGEL CHAVEZ AND JOHNNY CHAVEZ

IN THE DISTRICT COURT

VS.

TYSON FOODS, INC.

SHELBY COUNTY, TEXAS

MINIMAN COURT COURT

Of

TO: TYSON FOODS, INC., at CT CORPORATION SYSTEM 1999 Bryan Street, Suite 900, Dallas, Texas 75201:

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 first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

You are hereby commanded to appear by filing a written answer to the attached PLAINTIFFS' ORIGINAL PETITION at or before 10:00 o'clock A.M. on the Monday next after the expiration of 20 days after the date of service of this citation, before the 123RD/273RD Judicial District Court of Shelby County, Texas at the Courthouse in said County in Center, Texas. Said Plaintiff's Petition was filed in said court on the 18th day of May, 2020 in the above entitled cause.

The nature of Plaintiff's demand is fully shown by a true and correct copy of PLAINTIFFS' ORIGINAL PETITION accompany this citation and made a part hereof.

Issued and given under my hand and seal of said Court at Shelby County Texas this 19th day of May, 2019.

Attorney for Plaintiff or Plaintiffs: Patrick O'Hara 14550 Torrey Chase Blvd., Suite 260 Houston, TX 77014 (281) 919-2073

Lori Oliver District Clerk Shelby County, Texas

Kiasmin Page, Deputy Clerk-

#### ATTACH RETURN RECEIPTS WITH ADDRESSEE'S SIGNATURE

Rule 106(a) (2) the citation shall be served by mailing to the defendant by Certified Mail # 7019 1640 0002 0542 4669 return receipt requested a true copy of the citation. Sec 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

Kiasmin Page, Deputy Clerk P.O. Drawer 1953 Center, TX 75935

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

I hereby certify that on the  $\mathbf{19}^{\text{TH}}$  day of May, 2020 at 4 o'clock P M, I mailed TO: TYSON FOODS, INC., at CT CORPORATION SYSTEM 1999 Bryan Street, Suite 900, Dallas, Texas 75201 Defendants(s) by registered mail or certified mail, a true copy of the citation with a copy of the petition attached thereto. Certified Mail # 7019 1640 0002 0542 4669

**DEPUTY CLERK** 

Title

Lori Oliver, District Clerk Shelby County, Texas A CERTIFIED COPY

PS Form 38

ed 06/15/20 Page 14 of 14 PageID #: 22

THIS ENVELOPE CONTAINS IMPORTANT LEGAL PAPERS Shelby County District Clerk P.O. Drawer 1953 CENTER, TEXAS 75935

Texas 7520

STATE OF TEXAS

COUNTY OF SHELBY

I, Lori Oliver, District Clerk of Shelby
I, Lori Oliver, District Clerk of Shelby
I, Lori Oliver, District Clerk of Shelby
I, Lori Oliver, District Clerk of Shelby
I, Lori Oliver, District Clerk of Shelby
I, Lori Oliver, District Clerk of Shelby
In the Shelby
In my office Witness this. LORI O

Form 3811, July 2015 PSN 7530-02-000-9053	Article Number (Transfer from service label)	9590 9402 5262 9154 1345 32	JOJIGS, Texas 75201	aga Bryanstreet Surface	TUSON FOODS, INC	Attach this card to the back of the mallpiece, or on the front if space permits.	Print your name and address on the reverse so that we can return the card to you.	Complete items 1, 2, and 3.	SENDER: COMPLETE THIS SECTION
Domestic Boturn Boosint	☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation™ ☐ Insured Mail ☐ Signature Confirmation ☐ Insured Mail Restricted Delivery ☐ Restricted Delivery ☐ Restricted Delivery	☐ X- Service Type ☐ Priority Mail Express® ☐ Adult Signature ☐ Adult Signature ☐ Adult Signature ☐ Adult Signature ☐ Restricted Delivery ☐ Registered Mail Restricted ☐ Certified Mail Restricted Delivery			D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	B. Received by (Printed Name) C. Date of Delivery	X	A. Signature	COMPLETE THIS SECTION ON DELIVERY

Lori Oliver, District Clerk Shelby County, Texas
A CERTIFIED OPY
DO OF