

CAUSE NO. D-1-GN-16-005740

ERIC NEWTON,	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	
VS.	§	TRAVIS COUNTY, TEXAS
	§	
JOHNATHAN MANZIEL,	§	
Defendant.	§	<u>53RD</u> JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff, Eric Newson, files this original petition and as grounds therefore would respectfully show:

I.

PARTIES AND PROCESS

1. Plaintiff Eric Newton was at all relevant times a resident of Leander, Williamson County, Texas.
2. Defendant Johnathan Manziel was at all relevant times a resident of an unknown location. Pursuant to TRCP 106(a)(1) he may be served with process by delivering same to him, in person, at his upcoming court appearance at 9:00 a.m. on December 1, 2016, at the Frank Crowley Courts Building, 133 North Riverfront Blvd., Dallas, Texas 75207, Court No. 10, 4th Floor.

II.

VENUE, JURISDICTION AND RELIEF REQUESTED

Venue is proper in Travis County under Tex. C.P.R.C. §15.002(a)(1), as all or a substantial part of the events or omissions giving rise to these claims occurred in Travis County, Texas. Jurisdiction is proper in this Court, and Plaintiff sues for an amount in excess of the minimal

jurisdictional limits of this Court. Plaintiff sues for monetary damages over \$200,000.00, but not more than \$1,000,000.00.

III.

DISCOVERY CONTROL PLAN

Discovery in this case is intended to be conducted pursuant to Level 3, T.R.C.P. 190.4.

IV.

BASIS FOR SUIT/CLAIMS

On September 6, 2016 Plaintiff Eric Newton ("Mr. Newton") was an employee of World Class Development LLC, which owned and operated the Recess and New York, New York bars in Austin, Travis County, Texas.

Mr. Newton was a bar-back, tasked with assisting the bartenders in filling orders, cleaning up, and stocking and restocking supplies.

Around 2:00 a.m., Mr. Newton was working in the upstairs New York, New York facility, where Defendant Johnathan Manziel ("Mr. Manziel") was attending a private party. Mr. Manziel demanded that Mr. Newton prepare several drink orders, which Mr. Newton could not do, as he was not an actual bartender. Mr. Newton informed Mr. Manziel of that fact, and suggested that Mr. Manziel or someone from his group go downstairs, where the bar was operational. A short time later, Mr. Newton was downstairs having a conversation with a customer. The customer, apparently aware that Mr. Manziel was in the building, asked Mr. Newton his opinion of Mr. Manziel. Mr. Newton gave his opinion to the customer. That conversation was overheard by someone in Mr. Manziel's group, who immediately ran upstairs and told Mr. Manziel what had transpired. About a minute or so later, Mr. Manziel came downstairs, ran behind the bar, cursed at Mr. Newton, and punched him in the face, breaking Mr. Newton's nose. Mr. Newton then

grabbed Mr. Manziel to stop the attack, and both fell to the floor. Mr. Manziel then got up and ran out the back staff exit before the police arrived.

Among other things, Mr. Manziel's conduct constituted the civil torts of assault and battery, and the intentional infliction of emotional distress, for which Mr. Newton seeks recovery of the damages specified below.

V.

MR. NEWTON'S PERSONAL INJURIES AND DAMAGES

Upon trial of this case, Mr. Newton will show he sustained and will sustain injuries and damages as a proximate result of Mr. Manziel's negligence. There are certain elements of damages, provided by law, that Mr. Newton, is entitled to have the jury in this case separately consider to determine the sum of money for each element that will fairly and reasonably compensate him for the injuries and damages and losses incurred and to be incurred. From the date of the incident in question until the time of trial of this case, those elements of damages to be considered separately and individually for the purpose of determining the sum of money that will fairly and reasonably compensate Mr. Newton, for each element are as follows:

1. The physical pain that he has suffered from the date of the incident in question up to the time of trial.
2. The mental anguish that he has suffered from the date of the incident in question up to the time of trial.
3. The amount of reasonable medical expenses necessarily incurred in the treatment of his injuries from the date of the incident in question to the time of trial.

4. The damages resulting from the physical impairment suffered and the resulting inability to do those tasks and services that he ordinarily would have been able to perform.
5. The damages resulting from the lost wages he has suffered.
6. The damages resulting from the disfigurement he has suffered.

From the time of trial of this case the elements of damage to be separately considered which Mr. Newton will sustain in the future beyond the trial are such of the following elements that are shown by a preponderance of the evidence upon trial of this case:

1. The physical pain that he will suffer in the future and beyond the time of trial.
2. The mental anguish that he will suffer in the future beyond the time of trial.
3. The damages resulting from the physical impairment suffered and the resulting inability to do those tasks and services that he ordinarily would have been able to perform in the future beyond the time of trial.
4. The damages resulting from the disfigurement he will suffer.

VI.

PUNITIVE DAMAGES

Pursuant to Tex. Civ. Prac. & Rem. Code §41.001 et. seq., Mr. Manziel's conduct additionally rose to the level at which exemplary damages should be assessed by the jury, for which Mr. Newton seeks recovery.

VII.


PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff Eric Newton prays that Defendant Johnathan Manziel be cited to appear and answer herein, and that upon final trial, Plaintiff Eric

Newton recover the damages, as specified above, plus costs of Court, pre-judgment interest, and interest at the legal rate, from Defendant Johnathan Manziel, and have such other and further relief, general and special, at law and in equity to which he may show himself justly entitled under the facts and circumstances.

Respectfully submitted,

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FAX: (512) 474-9703
Email: allison-ward@sbcglobal.net



Adam S. Ward
State Bar No. 00788615

ATTORNEYS FOR PLAINTIFF

PLAINTIFF HEREBY RESPECTFULLY DEMANDS A TRIAL BY JURY.

CIVIL CASE INFORMATION SHEET

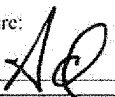
CAUSE NUMBER (FOR CLERK USE ONLY): **D-1-GN-16-005740**

COURT (FOR CLERK USE ONLY): **53RD**

STYLED ERIC NEWTON VS JOHNATHAN MANZIEL

(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. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet: Name: <u>Adam S. Ward</u> Email: <u>Allison-ward@sbcglobal.net</u> Address: <u>7718 Wood Hollow Drive, Suite 220</u> Telephone: <u>(512) 474-8153</u> City/State/Zip: <u>Austin, Texas 78731</u> Fax: <u>(512) 474-9703</u> Signature:  State Bar No: <u>00788615</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Eric Newton</u> Defendant(s)/Respondent(s): <u>Johnathan Manziel</u> [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure: <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input checked="" type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability: <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocal (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	