

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
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CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY

RUTH WAGGONER, INDIVIDUALLY §
AND AS REPRESENTATIVE OF THE §
ESTATE OF WILLIAM H. WAGGONER, §
AND RONALD WAGGONER §
Plaintiffs §

VS. §

WAL-MART STORES, INC. and §
THE STANLEY WORKS, INC. §
Defendants §

A07CA 703LY

CIVIL ACTION NO. _____

PLAINTIFFS' ORIGINAL COMPLAINT

Plaintiffs RUTH WAGGONER, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF WILLIAM H. WAGGONER, AND RONALD WAGGONER file this lawsuit against Defendants WAL-MART STORES, INC. and THE STANLEY WORKS, INC.

I.

PARTIES

Plaintiff RUTH WAGGONER is an individual who resides in Burnet County, Texas.

Plaintiff RONALD WAGGONER is an individual who resides in Comanche County, Oklahoma.

Defendant WAL-MART STORES, INC. is a Delaware corporation. It may be served with citation by service on its registered agent, CT Corporation System, 350 North St. Paul St., Dallas, Texas 75201.

Defendant THE STANLEY WORKS, INC. is a Connecticut corporation. It may be served with citation by service on its registered agent, CT Corporation System, 350 North St. Paul St., Dallas, Texas 75201.

II.

JURISDICTION

This Court has personal jurisdiction over the parties. The Court also has subject matter jurisdiction under 28 U.S.C. § 1332 as there is diversity of citizenship and the damages sought are in excess of \$75,000.

III.

VENUE

Venue is proper under 28 U.S.C. § 1391(a), since a substantial part of the events giving rise to the claim occurred in this judicial district.

IV.

FACTS

On March 5, 2007, William H. Waggoner was exiting the Wal-Mart store in Marble Falls, Texas through an automatic door designed and manufactured by The Stanley Works, Inc. The door malfunctioned and closed prematurely, knocking him to the ground. William H. Waggoner died on April 10, 2007, as a consequence of injuries suffered in the accident.

Plaintiffs are the surviving wife and son of William H. Waggoner.

V.

CAUSES OF ACTION

The automatic door was defectively designed, manufactured, installed and/or maintained by Defendants. Such defects were a producing cause of the accident and William Waggoner's injuries and death.

The door was negligently designed, manufactured, installed and/or maintained by Defendants. Such negligence was a proximate cause of the accident and William Waggoner's injuries and death.

VI.

DAMAGES

Plaintiffs RUTH WAGGONER, INDIVIDAULLY, AND RONALD WAGGONER seek recovery of the following past and future damages:

1. Mental anguish;
2. Loss of companionship and society; and
3. Loss of pecuniary contributions.

Plaintiff RUTH WAGGONER, AS REPRESENTATIVE OF THE ESTATE OF WILLIAM H. WAGGONER, seeks recovery of the following damages:

1. Pain and suffering;
2. Medical expenses; and
3. Funeral and burial expenses.

The amount of the damages exceeds \$75,000.

Plaintiffs also seek recovery of all allowable prejudgment and postjudgment interest.

VII.

REQUEST FOR JURY TRIAL

Plaintiffs respectfully request that this cause be tried before a jury.


VIII.

PRAYER

Plaintiffs respectfully pray that they recover their damages from Defendants, plus all allowable prejudgment and postjudgment interest, and that they have such other relief to which they are entitled.

Respectfully submitted,

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