

CAUSE NO. CV-0081158

ROSIE YANAS and CHRISTOPHER	§	COUNTY COURT AT LAW
STONE, individually and as next	§	
friends of CHRISTOPHER JAKE STONE	§	
	§	
Plaintiffs,	§	
	§	
MARK MCLEOD AND GAIL MCLEOD,	§	
Individually and as next friends of	§	
AARON KYLE MCLEOD	§	
	§	
Intervenors,	§	
VS.	§	GALVESTON COUNTY, TEXAS
	§	
ANTONIOS PAGOURTZIS and ROSE	§	
MARIE KOSMETATOS	§	
	§	
Defendants.	§	COURT NO. 3

**PAMELA STANICH AND SHANNAN CLAUSSEN'S  
PETITION IN INTERVENTION AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE EWING:

COMES NOW PAMELA STANICH, INDIVIDUALLY AND AS NEXT FRIEND OF JARED CONARD BLACK and SHANNAN CLAUSSEN, INDIVIDUALLY AND AS NEXT FRIEND OF CHRISTIAN RILEY GARCIA and file this PETITION IN INTERVENTION and for cause of action would show unto this Honorable Court, as follows:

**I.  
DISCOVERY CONTROL PLAN**

1. Pursuant to Tex. R. Civ. P. 190.4(a) and (b), Intervenors request that discovery be conducted by Court Order (Level 3). Intervenors affirmatively plead that

this suit is not governed by the expedited-actions process in Rule 169 of the Texas Rules of Civil Procedure.

## II.

### PARTIES

2. Intervenors, as well as the minor for whom they appear as next friends, resided in Galveston County, Texas at the time of the Incident made the basis of this lawsuit.

3. Defendant ANTONIOS PAGOURTZIS is a resident and citizen of the State of Texas and can be served with process at 5602 Plainview, Houston, Texas 77087.

4. Defendant ROSE MARIE KOSMETATOS is a resident and citizen of Texas and can be served with process at 5602 Plainview, Houston, Texas 77087.

## III.

### JURISDICTION AND VENUE

5. Venue for this action properly lies in Galveston County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code § 15.002(a)(1) because all or a substantial portion of the horrific events giving rise to the appalling tragedy herein at issue occurred in Galveston County.

6. Jurisdiction is proper because this is a civil case in which the matter in controversy is within the Court's jurisdictional limits.<sup>1</sup> Pursuant to Tex. R. Civ. P. 47(c)(5), Intervenors seek more than \$1,000,000 in monetary damages.

## IV.

### FACTS

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<sup>1</sup> See Art. V, § 8, Texas Constitution, V.T.C.A., Tex. Govt. Code § 24.007(a) and § 24.008.

7. Intervenor PAMELA STANICH is the mother of JARED CONARD BLACK, a student at Santa Fe High School. JARED CONARD BLACK was a bright, optimistic student who enjoyed art, science fiction and playing video games.

8. Intervenor SHANNAN CLAUSSEN is the mother of CHRISTIAN RILEY GARCIA, a freshman at Santa Fe High School. CHRISTIAN RILEY GARCIA was a bright student who enjoyed football, basketball, music and being outdoors.

9. ANTONIOS PAGOURTZIS and ROSE MARIE KOSMETATOS are the parents of Dimitrios Pagourtzis, a minor and junior at Santa Fe High School. On May 18, 2018, Dimitrios Pagourtzis, (“Murderer”), utilizing his parents’ weapons, a .38 caliber handgun and a sawed-off shotgun, made available to him directly and proximately due to his parents’ negligent and grossly negligent failure to properly secure their guns and keep them out of the hands of their minor son, went to Santa Fe High School and coldly and calculatingly shot and brutally murdered JARED CONARD BLACK, CHRISTIAN RILEY GARCIA and numerous other innocent victims.

10. Had the Murderer not had available to him the weapons for his carnage, his hidden black rage might well have continued to simmer within, but, the life’s blood of his teacher and peers, including JARED CONARD BLACK and CHRISTIAN RILEY GARCIA, would not have been so horribly, callously and needlessly spilled. The Murderer pulled the pistol’s and sawed-off shotgun’s triggers, but just as firmly pressed upon them were the fingers of his parents, who utterly failed to teach their son any respect for life whatsoever and who negligently and grossly negligently failed to secure

their weapons in a reasonable and prudent way and put them directly and proximately into use as authors of community-wide tragedy and incomprehensible loss. So, pursuant to the firm and unbloodied hands of justice and the great common law of Texas, Intervenor, for their unjustly dead son, demand that the Murderer's parents, these Defendants, be held fully accountable in compensable and exemplary damages for the dreadful and irredeemable losses their weapons directly and proximately caused.

**V.  
CAUSES OF ACTION**

**A. NEGLIGENCE.**

11. The Defendants were negligent on the occasion in question and proximately caused Intervenor's damages by:

- a) Failing to properly secure their weapons;
- b) Permitting Murderer Dimitrios Pagourtzis to have access to their weapons and ammunition;
- c) Failing to obtain mental health counseling and services for Murderer Dimitrios Pagourtzis;
- d) Failing to properly warn the public of Murderer Dimitrios Pagourtzis' dangerous propensities; and
- e) Negligently entrusting their weapons to Murderer Dimitrios Pagourtzis.

12. Each and every of the above negligent acts and/or omissions, whether singularly and/or collectively, was and/or were a direct and proximate cause of the resulting injuries and damages to Intervenor.

**B. GROSS NEGLIGENCE.**

13. Intervenor hereby assert a claim for gross negligence. Pursuant thereto, Intervenor seek punitive or exemplary damages in order to punish and deter the outrageous conduct taken in the needless and reckless disregard for the safety of JARED CONARD BLACK, CHRISTIAN RILEY GARCIA and others, as a result of Defendants' conscious indifference to the rights, welfare and safety of JARED CONARD BLACK, CHRISTIAN RILEY GARCIA and others in violation of the laws of the State of Texas, in grossly negligently permitting their Murderer son to have access to their weapons. Intervenor allege that Defendants' conduct amounted to gross neglect and/or malice as those terms are defined under Tex. Civ. Prac. & Rem. Code Ch. 41, (§§ 41.001, *et seq.*), as well as Texas common law.

**VI.**  
**WRONGFUL DEATH AND SURVIVAL CLAIMS**

14. Intervenor PAMELA STANICH, individually and as next friend of JARED CONARD BLACK, is the statutory beneficiary of JARED CONARD BLACK and is entitled to bring these causes of action pursuant to the Texas Wrongful Death Act and Texas Survival Statutes set out in Tex. Civ. Prac. & Rem. Code Ch. 71, (§§ 71.001, *et seq.*). Intervenor, as heir and next friend of JARED CONARD BLACK, seeks damages for his injuries and death and her own consequent injuries and damages.

15. Intervenor SHANNAN CLAUSSEN, individually and as next friend of CHRISTIAN RILEY GARCIA, is a statutory beneficiary of CHRISTIAN RILEY GARCIA and is entitled to bring these causes of action pursuant to the Texas Wrongful Death Act and Texas Survival Statutes set out in Tex. Civ. Prac. & Rem. Code Ch. 71, (§§ 71.001, *et*

*seq.*). Intervenor, as heir and next friend of CHRISTIAN RILEY GARCIA, seeks damages for his injuries and death and her own consequent injuries and damages.

**VII.**  
**COMPENSATORY DAMAGES**

16. Intervenor PAMELA STANICH, is the surviving parent of JARED CONARD BLACK, who was 17 years old at the time of his passing. PAMELA STANICH has lost the love, support, nurture and companionship she would have shared for the remainder of her life with her beloved son, of whom she was so proud. PAMELA STANICH has suffered the unusual and severe mental anguish and grief that only her son's sudden, unexpected, unjustified and absolutely unnecessary tragic death could cause. She has also lost all of the economic support she would have received from JARED CONARD BLACK for the remainder of her life, as she aged and watched his children, her grandchildren, grow.

17. Intervenor SHANNAN CLAUSSEN, is a surviving parent of CHRISTIAN RILEY GARCIA, who was 15 years old at the time of his passing. SHANNAN CLAUSSEN has lost the love, support, nurture and companionship she would have shared for the remainder of her life with her beloved son, of whom she was so proud. SHANNAN CLAUSSEN has suffered the unusual and severe mental anguish and grief that only her son's sudden, unexpected, unjustified and absolutely unnecessary tragic death could cause. She has also lost all of the economic support she would have received from CHRISTIAN RILEY GARCIA for the remainder of her life, as she aged and watched his children, her grandchildren, grow.

18. Further, as a result of the wrongful deaths of JARED CONARD BLACK and CHRISTIAN RILEY GARCIA, their Estates are entitled to seek damages for the pain, suffering, and mental anguish they each suffered prior to their death, and the damages their Estates will incur for their funeral and burial expenses.

**IX.**  
**PREJUDMENT INTEREST**

19. In addition to the above and foregoing allegations, Intervenors further plead that they are entitled to prejudgment interest at the highest rate allowed by law.

**X.**  
**REQUEST FOR DISCLOSURE**

20. Under Texas Rule of Civil Procedure 194.1, Intervenors request that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2(a) through (l).

**XI.**  
**AUTHENTICATION AND PRESERVATION**

21. In accordance with Texas Rule Civil of Procedure 193.7, notice is hereby given that Intervenors intend to use at trial and/or in pre-trial proceedings, all documents produced in discovery. Defendants are hereby given notice that any document or other material, including electronically stored information, that may be evidence or relevant to any issue in this case is to be preserved in its present form until this litigation is concluded. Pursuant to the doctrine of spoliation, as that term is understood in Texas law, Defendants are further placed on notice of their obligation to safeguard and preserve all documents or other physical evidence now in their possession which might bear in any

way upon either discovery or the discovery of admissible evidence in this case and of Intervenor's intention to seek sanctions of the Court should they fail, either intentionally or by neglect, to do so.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Intervenor's pray that Defendants be cited to appear and answer herein, and that upon final hearing, Intervenor's have judgment against Defendants, jointly and severally, for damages described, for costs of suit, pre-judgment interest permitted by law, and for such other relief, at law and in equity, to which Intervenor's may show themselves justly entitled.

Respectfully Submitted,

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