

No. _____

GALEN DINNING,	§	IN THE DISTRICT COURT OF
DOROTHY O'CONNELL, and	§	
DEBORAH WILLIAMSON	§	
	§	HARRIS COUNTY, TEXAS
VS.	§	
	§	
LIVEYON, LLC, GENETECH, INC.,	§	
ONE IMPROVED HEALTH, LLC d/b/a	§	
Texas Regional Health & Wellness,	§	
SAMMY TAO, D.C. and OMAR VIDAL, M.D.	§	_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, GALEN DINNING, DOROTHY O'CONNELL, and DEBORAH WILLIAMSON, Plaintiffs in the above-numbered and entitled cause, complaining of LIVEYON, LLC, GENETECH, INC., ONE IMPROVED HEALTH, LLC d/b/a Texas Regional Health & Wellness, SAMMY TAO, D.C., and OMAR VIDAL, M.D., Defendants, and file this Original Petition, and as grounds therefore would show:

I.

Plaintiffs are resident citizens of Brazoria County, Texas.

Defendant, LIVEYON, LLC, is a foreign corporation organized and existing under the laws of the State of Nevada, and may be served with process pursuant to §17.044 of the TEX. CIV. PRAC. & REM. CODE by serving the Texas Secretary of State at 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Defendant has not designated or maintained a resident agent for service of process in Texas, as required by statute, and request is made that the Secretary of State immediately forward a duplicate copy of the process to Defendant's registered agent for service, VCORP Services, LLC, 1645 Village Center Circle, Suite 170, Las Vegas, Nevada 89134.

Defendant, GENETECH, INC., is a foreign corporation organized and existing under the laws of the State of California, and may be served with process pursuant to §17.044 of the TEX. CIV. PRAC. & REM. CODE by serving the Texas Secretary of State at 1019 Brazos Street, Austin, Texas 78701, as its agent for service because Defendant has not designated or maintained a resident agent for service of process in Texas, as required by statute, and request is made that the Secretary of State immediately forward a duplicate copy of the process to Defendant's registered agent for service, Business Filings Incorporated, 818 West Seventh Street, Suite 930, Los Angeles, California 90017.

Defendant, ONE IMPROVED HEALTH, LLC, d/b/a Texas Regional Health & Wellness, is a limited liability company duly organized and existing pursuant to the laws of the State of Texas and may be served with citation by serving its registered agent for service, T-account, 10333 Harwin Drive, Suite 638, Houston, Texas 77036.

Defendant, SAMMY TAO, D.C. is a chiropractor. He may be served with citation at 2837 Dulles Avenue, Missouri City, Texas 77459, or wherever he may be found.

Defendant OMAR VIDAL, M.D. is a physician. He may be served with citation at 4545 Bissonnet Street, Suite 110, Bellaire, Texas 77401, or wherever he may be found.

II.

Discovery in this case should be conducted under Level 3, pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

III.

Venue in Harris County is appropriate pursuant to TEX CIV. PRAC. & REM. CODE §§ 15.002(1) and 15.00(5).

IV.

It has become necessary to bring this action because of injuries and damages proximately caused by the negligence of Defendants, acting individually or through their agents and/or employees.

Specifically, on September 12, 2018, in Harris County, Texas, Defendants One Improved Healthcare, LLC, Tao and Vidal, negligently injected each Plaintiff with a substance that was represented to contain “stem cells.” In fact, the substance contained no living cells and therefore no “stem cells” and had none of the beneficial medical properties that Defendants represented it to have for those patients’ ailments. It was also contaminated with Enterobacter, a bacteria that lives in the intestinal tracts of humans and animals.

The contaminated “stem cell” product was negligently manufactured by Defendant Genetech and negligently marketed and distributed by Defendant Liveyon. Both entities also intentionally misrepresented the composition and medical benefits of the product.

V.

Upon trial of this case, it will be shown that Plaintiffs were caused to sustain injuries and damages as a proximate result of Defendants’ negligence, and Plaintiffs will respectfully request the Court and Jury to determine the amount of loss Plaintiffs have incurred in the past and in the future, not only from a financial standpoint, but also in terms of good health and freedom from pain and worry. There are certain elements of damages which are provided by law that Plaintiffs are entitled to have the Jury in this case consider separately to determine the sum of money for each element that will fairly and reasonably compensate Plaintiffs for the injuries and damages and losses incurred and to be incurred. From the date of the incident in question up to the time of trial of this case, such elements of damages to be considered separately and individually for the purpose of determining the sum of money to compensate Plaintiffs are as follows:

- A. The physical pain that Plaintiffs have suffered as a result of the incident in question up to the time of trial;
- B. The mental anguish that Plaintiffs have suffered from the date of the incident in question up to the time of trial;
- C. The amount of reasonable medical expenses necessarily incurred in the treatment of Plaintiffs' injuries from the date of the incident in question up to the time of trial;
- D. The amount of reasonable custodial and attendant care expenses and costs necessarily incurred on behalf of Plaintiff because of their injuries from the date of the incident in question up to the time of trial; and
- E. The damages resulting from the physical impairment suffered by Plaintiffs and the resulting inability to do those tasks and services that they ordinarily would have been able to perform.

From the time of trial, the elements of damages to be separately considered which Plaintiffs will sustain in the future beyond the time of trial, are such of the following that are shown by a preponderance of the evidence:

- A. The physical pain that Plaintiffs will suffer beyond the time of trial;
- B. The mental anguish that Plaintiffs will suffer in the future beyond the time of trial;
- C. The reasonable value of medical expenses that will necessarily be incurred in the treatment of Plaintiffs' injuries in the future beyond the time of trial;
- D. The amount of reasonable custodial and attendant care expenses and costs incurred on behalf of Plaintiffs in the future beyond the time of trial; and
- E. The damages resulting from the physical impairment that Plaintiffs will continue to suffer in the future and their resulting inability to do those tasks and services that they ordinarily would have been able to perform beyond the time of trial of this case.

Because of all of the above and foregoing, Plaintiffs have been damaged, and will be damaged in a sum greatly in excess of the minimal jurisdictional limits of this Honorable Court, for which amount Plaintiffs now bring suit.

VI.

NOTICE PURSUANT TO TEX. R. CIV. P. 193.7

Pursuant to TEX. R. CIV. P. 193.7, Defendants are hereby given notice that any and all documents and materials produced by Defendants in response to written discovery may be used as evidence in this case; and, that any such materials may be used as evidence against Defendants in any pretrial proceeding or at trial without the necessity of authenticating the documents or materials produced by Defendants in discovery.

VII.

REQUEST FOR DISCLOSURE

Pursuant to Rule 194, Defendants are requested to disclose, within fifty (50) days of service of this request, the information or material described in Rule 194.2 (a) – (l).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein, and that upon final trial, they recover the damages, as specified above, from the Defendants, jointly and severally, plus costs of court, interest at the legal rate, both pre-judgment and post-judgment, and have such other and further relief, general and special, at law and in equity, to which they may show themselves justly entitled under the facts and circumstances.

Respectfully submitted,

HAMPTON & KING

BY: /s/ Hartley Hampton

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ATTORNEYS FOR PLAINTIFFS

Unofficial Copy Office of Chris Daniel District Clerk