

Christi Underwood

CAUSE NO. DC-18-01318

EMANUELA TEBALDI,
ZAC IMAM, ISABELLA IMAM,
and ANASTASIA IMAM,
Plaintiffs,

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

VS.

STEVEN WOLENS and
LAURA MILLER,
Defendants.

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____ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION, REQUESTS FOR DISCLOSURE,
REQUESTS FOR PRODUCTION, REQUESTS FOR ADMISSION
AND INTERROGATORIES TO DEFENDANTS**

COME NOW, before this Honorable Court, Emanuela Tebaldi (hereinafter referred to as "Plaintiff Tebaldi") and Zac Imam, Isabella Imam, and Anastasia Imam (hereinafter referred to as "Plaintiffs Imam"), and file Plaintiffs' Original Petition and Request for Disclosure, and respectfully assert the following claims against the Defendants in this matter, **Steven Wolens** (hereinafter referred to as "Defendant Wolens") and **Laura Miller** (hereinafter referred to as "Defendant Miller") and for causes of action would show this Court the following:

**I.
DISCOVERY CONTROL**

1. Plaintiffs intend to conduct discovery in accordance with Rule 190.4 of the Texas Rules of Civil Procedure, also known as "Level 3" Discovery Control Plan, and as such, request a discovery control plan be entered herein.

**II.
PARTIES**

2. Plaintiff Emanuela Tebaldi is a resident of London, England.

3. Plaintiffs Zac Imam, Isabella Imam and Anastasia Imam are the biological children of Emanuela Tebaldi and residents and citizens of London, England.

4. Defendant, Steven Wolens, is a resident and citizen of Dallas, Texas, and be served with citation and a copy of this Petition at 5335 S. Dentwood Dr., Dallas, Texas 75220, or wherever he may be found.

5. Defendant, Laura Miller, is a resident and citizen of Dallas, Texas, and be served with this citation and a copy of this Petition at 5335 S. Dentwood Dr., Dallas, Texas 75220, or wherever she may be found.

III. **VENUE & JURISDICTION**

6. The present Court has personal jurisdiction over the individual Defendants Steve Wolens and Laura Miller as they are citizens of Texas. The Court has subject matter jurisdiction as the amount in controversy is within the limits of the Court, and no other court has exclusive jurisdiction.

7. Venue is proper in the present forum as this cause of action occurred in whole or in substantial part in Dallas County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code § 15.002(s) and 15.005.

IV. **FACTS**

8. On July 11, 2016 Plaintiff Tebaldi with her boyfriend, Mr. Gary Wolens, traveled from her home in London, England to the home of Defendants', Steve Wolens and Laura Miller. Defendants Steve Wolens and Laura Miller, are the brother and sister-in-law of Gary Wolens.

9. The Defendants, Steve Wolens and Laura Miller's home is located at 5335 S. Dentwood Dr., Dallas, Texas, 75220. Plaintiff Tebaldi and Mr. Gary Wolens had stayed at the Defendants' home before when they traveled to the United States.

10. Plaintiff Tebaldi and Mr. Gary Wolens were picked up from the airport by Defendant, Laura Miller. After arriving at the Defendants home, and placing their bags in the bedroom above the garage as directed, Plaintiff Tebaldi and Mr. Gary Wolens had dinner with the Defendants in their home, which is separate from the garage. Plaintiff Tebaldi was tired from her travel, and shortly after dinner went to bed in the bedroom located above the garage. Mr. Gary Wolens joined her several hours later.

11. Unknown to Plaintiff Tebaldi, Defendants, Steve Wolens and/or Laura Miller had left their car running in the garage of their home below the bedroom where Plaintiff Tebaldi was sleeping. The next morning, July 12, 2016, Plaintiff Tebaldi had not awoken and had missed her dental appointment. Defendant Steve Wolens asked the housekeeper to check on Mr. Gary Wolens and Plaintiff Tebaldi, and she found them in the bedroom above the garage unconscious and unresponsive. Plaintiff Tebaldi was not breathing and an ambulance was called. Plaintiff Tebladi was transported to Dallas Presbyterian Hospital where she was admitted for carbon monoxide poisoning. Plaintiff Tebaldi suffered serious injuries as a result of prolonged exposure to carbon monoxide. When medical professionals concluded that it was medically safe for Plaintiff Tebaldi to travel, she was transported back to the United Kingdom by air ambulance where Plaintiff Tebaldi was hospitalized to continue her treatment and care.

V.
NEGLIGENCE OF DEFENDANTS
STEVEN WOLENS AND LAURA MILLER

12. Defendants Steven Wolens and/or Laura Miller left their car running in the garage of their home. The bedroom where Plaintiff Tebaldi, was sleeping was above the garage. The

CO entered the bedroom occupied by Plaintiff Tebaldi from the garage where the vehicle had been left running. The Defendants negligence includes, but is not limited to, the following particulars:

- a. In failing to turn the running car off after parking in the garage under the bedroom that was occupied by Plaintiff Tebaldi;
- b. In leaving a vehicle running after parking the vehicle in the garage;
- c. In parking the vehicle in the garage;
- d. In failing to confirm the vehicle was not running;
- e. In leaving the vehicle running in an enclosed garage with an occupied bedroom above, with CO entering the bedroom;
- f. In closing the garage door without first determining whether the vehicle was still running;
- g. In failing to determine whether the vehicle was running when the Defendant(s) exited the vehicle;
- h. In failing to have a CO detector in the bedroom above the garage; and
- i. In failing to construct an insulated barrier between the garage and the bedroom above the garage to prevent CO from entering the bedroom.

13. Each act of negligence, jointly and severally, was a proximate cause of the occurrence in question and the substantial damages and injuries suffered by Plaintiffs herein.

VI. PREMISES LIABILITY

14. In the alternative, Plaintiff Tebaldi's status when she arrived and entered the Defendants' home was that of an 'invitee' as Plaintiff Tebaldi was the companion of Mr. Gary Wolens, who is the brother of Defendant Steven Wolens and brother-in-law of Defendant, Laura Miller. Her presence at the property was with the Defendants knowledge, consent and for the mutual benefit of the Plaintiff Tebaldi, her boyfriend, Mr. Gary Wolens,

and his brother, Defendant Steven Wolens and sister-in-law, Defendant Laura Miller. Because of Plaintiff Tebaldi's invitee status Defendants owed a duty of ordinary care to Plaintiff Tebaldi to not create a dangerous condition or allow a dangerous condition to be created or exist on their property, including leaving a car running in the garage and allowing CO to enter the bedroom where Plaintiff Tebaldi had been assigned to sleep. As owners of the property the Defendants had the duty to inspect their home for any concealed dangers, to cure the danger or warn against it. The Defendants not only created the dangerous condition that allowed CO to enter the bedroom over the garage by leaving the car running, but they failed to inspect their property to see that any such dangerous condition existed and cure it before allowing Plaintiff Tebaldi to sleep in the bedroom. As a result of the CO poisoning Plaintiff Tebaldi has been seriously injured. This event was caused by the Defendants failing to exercise ordinary care and creating the dangerous condition of CO poisoning by leaving their vehicle running in the garage directly below the bedroom where Plaintiff Tebaldi, was sleeping. This event and the substantial damages and injuries of Plaintiffs were caused by the negligent acts or omissions of the Defendants, jointly and severally as follows:

- a. In creating the dangerous condition by leaving a car running in the garage below the bedroom occupied by Plaintiff Tebaldi;
- b. In failing to inspect for the dangerous condition;
- c. In failing to warn about the dangerous condition;
- d. In failing to cure the dangerous condition;
- e. In failing to insulate the bedroom and garage to prevent CO from entering the bedroom where Plaintiff Tebaldi was sleeping;
- f. In failing to install a CO monitor/detector to warn of the presence of CO; and

- g. In failing to construct an insulated barrier between the garage and bedroom above.

15. Each and every act of negligence, singularly or collectively, was a proximate cause of the occurrence in question and the substantial damages and injuries suffered by Plaintiffs herein.

VII.
GENERAL DAMAGES OF PLAINTIFF EMANUELA TEBALDI

16. At the time of the incident made the basis of this suit, Plaintiff Tebaldi, was 53 years of age and had a life expectancy of 29.0 years according to Vital Statistics of the United States, 2014, Life Tables. As a direct and proximate result of Defendants' negligence, Plaintiff Tebaldi, has sustained mental and physical pain and suffering, mental anguish, physical impairment, disfigurement, and loss of earning capacity, all of which are in reasonable probability permanent. From the date of the incident in question until the time of trial of this case, the elements of damages to be considered separately and individually for the purpose of determining the sum of money that will fairly and reasonably compensate Plaintiffs for each element are as follows:

- a. Loss of wage earning capacity from the time of the incident to the time of trial;
- b. The physical pain that Plaintiff Tebaldi, has suffered from the date of the incident in question up to the time of trial.
- c. The mental anguish that Plaintiff Tebaldi, has suffered from the date of the incident in question up to the time of trial.
- d. The damages resulting from the physical impairment suffered by Plaintiff Tebaldi, and the resulting inability to do those tasks and services that Plaintiff ordinarily would have been able to perform.
- e. The disfigurement which Plaintiff Tebaldi, has suffered from the date of the incident in question up to the time of trial.

17. From the time of trial of this case, the elements of damages to be considered which Plaintiff Tebaldi, will sustain in the future beyond the trial, include the following elements that are shown by a preponderance of the evidence upon trial of this case:

- a. The loss of future earning capacity;
- b. The physical pain that Plaintiff Tebaldi, will suffer in the future beyond the time of trial.
- c. The mental anguish that Plaintiff Tebaldi, will suffer in the future beyond the time of trial.
- d. The damages resulting from the physical impairment that Plaintiff Tebaldi, will continue to suffer in the future and the resulting inability to do those tasks and services that Plaintiff Tebaldi ordinarily would have been able to perform in the future beyond the time of trial.
- e. The disfigurement which Plaintiff Tebaldi, will suffer in the future beyond the time of trial.

18. Because of all of the above and foregoing, Plaintiff Tebaldi, has been damaged and will be damaged, in a sum within the jurisdictional limits of the Court.

VIII.
MEDICAL DAMAGES OF PLAINTIFF EMANUELA TEBALDI

19. Further, as a direct and proximate result of Defendants' acts and/or omissions, it was necessary for Plaintiff Tebaldi to secure medical and hospital services, including drugs and other medications, and it is reasonably probable that she will require additional custodial care, medical, hospital and drug services and a health care plan in the future beyond this date. Plaintiff Tebaldi, here now sues for an additional sum within the jurisdictional limits of the Court for past and future medical, hospital and drug services.

IX.
DAMAGES OF PLAINTIFF ZAC IMAM

20. Plaintiff, Zac Imam, is the biological son of Plaintiff Tebaldi. Because of the serious, permanent and debilitating injuries to his mother, Plaintiff Tebaldi, Plaintiff Zac Imam asserts his individual cause of action for loss of his mother's consortium and household services. Plaintiff, Zac Imam, would show the Court that consortium is a child's loss of his mother's affection, solace, comfort, companionship, society, assistance, emotional support, and love. Plaintiff, Zac Imam would further show the Court that household services is the performance of household and domestic duties by a parent in a household.

21. From the date of the incident in question until the time of trial, the elements of damages to be considered separately and individually, for the purpose of determining the sum of money that will fairly and reasonably compensate Plaintiff, Zac Imam, for each element are as follows:

- a. The loss of parental consortium that Plaintiff, Zac Imam, has suffered from the date of the accident in question up to the time of trial. That parental consortium meaning the positive benefits flowing from his mother's love, affection, protection, emotional support, services, companionship, care and society; and
- b. The damages to Plaintiff, Zac Imam, resulting from the physical and mental impairment suffered by Plaintiff Tebaldi and the resulting loss of household services that Plaintiff Tebaldi ordinarily would have been able to perform.

22. From the time of trial of this case, the elements of damages to be considered which Plaintiff, Zac Imam, 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:

- a. The loss of parental consortium that Plaintiff, Zac Imam, will suffer well into the future beyond the time of trial. That parental consortium meaning the positive benefits flowing from his mother's love, affection, protection, emotional support, services, companionship, care and society; and
- b. The future damages to Plaintiff, Zac Imam, resulting from the physical and mental impairment suffered by Plaintiff Tebaldi,

and the resulting loss of household services that Plaintiff Tebaldi ordinarily would have been able to perform.

23. Because of all of the above and foregoing, Plaintiff, Zac Imam, has been damaged and will be damaged, in a sum within the jurisdictional limits of the Court.

X.
DAMAGES OF PLAINTIFF ANASTASIA IMAM

24. Plaintiff, Anastasia Imam, is the biological daughter of Plaintiff Tebaldi. Because of the serious, permanent and debilitating injuries to her mother Plaintiff Tebaldi, Plaintiff Anastasia Imam asserts her individual cause of action for loss of her mother's consortium and household services. Plaintiff, Anastasia Imam, would show the Court that consortium is a child's loss of her mother's affection, solace, comfort, companionship, society, assistance, emotional support, and love. Plaintiff, Anastasia Imam would further show the Court that household services is the performance of household and domestic duties by a parent child in a household.

25. From the date of the incident in question until the time of trial, the elements of damages to be considered separately and individually, for the purpose of determining the sum of money that will fairly and reasonably compensate Plaintiff, Anastasia Imam, for each element are as follows:

- a. The loss of parental consortium that Plaintiff, Anastasia Imam, has suffered from the date of the accident in question up to the time of trial. That parental consortium meaning the positive benefits flowing from her mother's love, affection, protection, emotional support, services, companionship, care and society; and
- b. The damages to Plaintiff, Anastasia Imam, resulting from the physical and mental impairment suffered by Plaintiff Tebaldi and the resulting loss of household services that Plaintiff Tebaldi ordinarily would have been able to perform.

26. From the time of trial of this case, the elements of damages to be considered which Plaintiff, Anastasia Imam, 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:

- a. The future damages to Plaintiff, Anastasia Imam, resulting from the physical and mental impairment suffered by Plaintiff Tebaldi, and the resulting loss of household services that Plaintiff Tebaldi ordinarily would have been able to perform; and
- b. The loss of parental consortium that Plaintiff, Anastasia Imam, will suffer well into the future beyond the time of trial. That parental consortium meaning the positive benefits flowing from her mother's love, affection, protection, emotional support, services, companionship, care and society.

27. Because of all of the above and foregoing, Plaintiff, Anastasia Imam, has been damaged and will be damaged, in a sum within the jurisdictional limits of the Court.

XI.

DAMAGES OF PLAINTIFF ISABELLA IMAM

28. Plaintiff, Isabella Imam, is the biological daughter of Plaintiff Tebaldi. Because of the serious, permanent and debilitating injuries to her mother Plaintiff Tebaldi, Plaintiff Isabella Imam asserts her individual cause of action for loss of her mother's consortium and household services. Plaintiff, Isabella Imam, would show the Court that consortium is a child's loss of her mother's affection, solace, comfort, companionship, society, assistance, emotional support, and love. Plaintiff, Isabella Imam would further show the Court that household services is the performance of household and domestic duties by a parent child in a household.

29. From the date of the incident in question until the time of trial, the elements of damages to be considered separately and individually, for the purpose of determining the sum of money that will fairly and reasonably compensate Plaintiff, Isabella Imam, for each element are as follows:

- a. The loss of parental consortium that Plaintiff, Isabella Imam, has suffered from the date of the accident in question up to the time of trial;
- b. The damages to Plaintiff, Isabella Imam, resulting from the physical and mental impairment suffered by Plaintiff Tebaldi and the resulting loss of household services that Plaintiff Tebaldi ordinarily would have been able to perform.

30. From the time of trial of this case, the elements of damages to be considered which Plaintiff, Isabella Imam, 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:

- a. The loss of parental consortium that Plaintiff, Isabella Imam, will suffer well into the future beyond the time of trial. That parental consortium meaning the positive benefits flowing from her mother's love, affection, protection, emotional support, services, companionship, care and society; and
- b. The future damages to Plaintiff, Isabella Imam, resulting from the physical and mental impairment suffered by Plaintiff Tebaldi, and the resulting loss of household services that Plaintiff Tebaldi ordinarily would have been able to perform.

31. Because of all of the above and foregoing, Plaintiff, Isabella Imam, has been damaged and will be damaged, in a sum within the jurisdictional limits of the Court.

XII.

GROSS NEGLIGENCE AND EXEMPLARY DAMAGES

32. Plaintiffs re-allege and incorporate by reference each of the allegations set forth in all preceding paragraphs as if set forth fully and reiterated here in their entirety.

33. The negligence of the Defendants as alleged herein constituted not only ordinary negligence but gross negligence. In this regard, the conduct of the Defendants, in leaving a car running in the garage when it was known that Plaintiff Tebaldi would be sleeping in the bedroom over the garage, and failing to inspect for any dangerous conditions, cure them or warn about them, are serious violations and were not only ordinary negligence but gross negligence. In this regard, the conduct of the Defendants was done heedlessly, and without regard to the damages and injuries that might be inflicted by such conduct. In this regard, the conduct of the Defendants when viewed objectively from their standpoint at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others and of which they had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of others including, but not limited to, Plaintiff Tebaldi. Accordingly, the negligence of the Defendants was gross negligence.

34. As a result of the gross negligence of the Defendants a sum of money should be assessed against the Defendants as allowed by law, and awarded to Plaintiffs as exemplary damages for the injuries to Plaintiff Tebaldi. Further, because of the nature of the conduct, the limitations and so called caps on exemplary damages do not apply to the amounts of exemplary damages the jury may find. Exemplary damages should be awarded as a penalty or by way of punishment taking into consideration:

- a. the nature of the wrong;
- b. the character of the conduct involved;
- c. the degree of culpability of the wrongdoer;
- d. the situation and sensibilities of the parties involved;
- e. the extent to which such conduct offends a public sense of justice

and propriety; and

- f. the net worth of Defendants.

XIII.
PREJUDGMENT INTEREST

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

XIV.
TRCP 47(c)

36. Pursuant to TRCP 47(c) Plaintiffs here now seek monetary relief over \$1,000,000.00.

XV.
REQUEST FOR DISCLOSURE

37. Under Texas Rules of Civil Procedure 194, Plaintiffs request that the Defendants disclose, within fifty (50) days of the service of this request, the information and material described in Rule 194.2 (a) through (c),(e) - (i) and (l).

XVI.
REQUESTS FOR PRODUCTION

38. Under Texas Rule of Civil Procedure 196, Plaintiffs request that Defendants Steven Wolens and Laura Miller respond to the Requests for Production, and Inspection and Entry Upon Land attached hereto as Exhibit A within 50 days of the service of this request.

XVII.
INTERROGATORIES

39. Under Texas Rule of Civil Procedure 197, Plaintiffs request that Defendants Steven Wolens and Laura Miller responds to the Interrogatories attached hereto as Exhibit B within 50 days of the service of this request.

XVIII.
REQUESTS FOR ADMISSION

40. Under Texas Rule of Civil Procedure 198, Plaintiffs request that Defendant Steven Wolens and Laura Miller respond to the Requests for Admissions attached hereto as Exhibit C within 50 days of the service of this request.

JURY DEMAND

41. Plaintiffs respectfully assert their right, pursuant to the Seventh Amendment to the United States Constitution, for a trial by jury. Such jury demand is timely and properly made, pursuant to T.R.C.P. 216.

PRAYER FOR RELIEF

WHEREFORE Plaintiffs pray that on final trial or hearing of each and all of the foregoing claims and causes of action, Plaintiffs do have and recover of and from Defendants, jointly and severally, all relief and damages as pleaded above, including exemplary damages, expenses, taxable costs and such other and further relief to which Plaintiffs may show themselves justly entitled to receive.

Respectfully submitted,

THE LAW FIRM OF ALTON C. TODD

By: 

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ATTORNEY FOR PLAINTIFFS

CAUSE NO. _____

EMANUELA TEBALDI,
ZAC IMAM, ISABELLA IMAM,
and ANASTASIA IMAM,
Plaintiffs,

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

VS.

STEVEN WOLENS and
LAURA MILLER,
Defendants.

____ JUDICIAL DISTRICT

**PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSIONS
TO DEFENDANT STEVEN WOLENS**

TO: Defendant, Steven Wolens, served with Plaintiffs' Original Petition.

The following Requests for Admissions are served upon you in accordance with the Texas Rules of Civil Procedure, to be answered and responded to, in writing within fifty (50) days following service and shall be given to the undersigned attorney of record.

You are further charged with a duty to supplement your answers and responses if you later obtain information which provides a basis upon which:

- a. you know any answer or response was incorrect when made; or
- b. you know, though correct when made, any previously provided answer or response is no longer true or accurate, and the circumstances are such that a failure to amend is, in substance, a knowing concealment.

Respectfully submitted,

THE LAW FIRM OF ALTON C. TODD



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ATTORNEY FOR PLAINTIFFS

PLAINTIFFS' FIRST REQUESTS FOR ADMISSIONS
TO DEFENDANT, STEVEN WOLENS

1. Admit or Deny that before July 11, 2016 were you aware of the ordinances below for garage apartments.
 - a. Ordinance 29164- Dallas-9/25/13
302.5.1- opening protection- floor membrane- solid wood floor
325.5.5-Indoor Air Quality
325.5.5.2.1- conditioned spaces above garage- sealed
 - b. Ordinance 1765- Dallas Code Chapter 8- approved June 2, 2014
8.829 (2) properly functioning CO alarms

RESPONSE:

2. Admit or Deny that the document attached hereto as Exhibit A is a true and correct copy of Dallas City Ordinance 29164 that was in effect July 11, 2016.

RESPONSE:

3. Admit or Deny that the document attached hereto as Exhibit B is a true and correct copy of Dallas City Ordinance 1765 that was in effect July 11, 2016.

RESPONSE:

4. Admit or Deny that you did have a properly functioning CO alarm in the room over the garage apartment at 5335 S. Dentwood Dr., Dallas, Texas 75220, where Emanuela Tebaldi was sleeping on July 11 and July 12, 2016.

RESPONSE:

5. Admit or Deny that you did not have a properly functioning CO alarm in the room over the garage apartment at 5335 S. Dentwood Dr., Dallas, Texas 75220, where Emanuela Tebaldi was sleeping on July 11 and July 12, 2016.

RESPONSE:

6. Admit or Deny that you left a vehicle running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, under the room where Emanuela Tebaldi was sleeping on July 11 and July 12, 2016.

RESPONSE:

7. Admit or Deny that a vehicle was left running in the garage at 5335 S. Dentwood Dr.,

Dallas, Texas 75220, under the room where Emanuela Tebaldi was sleeping on July 11 and July 12, 2016.

RESPONSE:

8. Admit or Deny the last person to park a vehicle in the garage at 5335 S. Dentwood Dr., Dallas, Texas, 75220 on the evening of July 11, 2016, was your wife, Defendant Laura Miller.

RESPONSE:

9. Admit or Deny that before you left 5335 S. Dentwood Dr., Dallas, Texas 75220, to travel to Washington on July 12, 2016.

RESPONSE:

10. Admit or Deny that when Emanuela Tebaldi arrived in Dallas on July 11, 2016, she was picked up by your wife, Laura Miller, at the airport and driven to your home located at 5335 S. Dentwood Dr., Dallas, Texas 75220.

RESPONSE:

11. Admit or Deny that Emanuela Tebaldi had your permission to occupy and sleep in the bedroom room over the garage on July 11 and July 12, 2016 at 5335 S. Dentwood Dr., Dallas, Texas 75220.

RESPONSE:

12. Admit or Deny that your brother Gary Wolens was with Emauela Tebaldi on July 11 and 12, 2016 at 5335 S. Dentwood Dr., Dallas, Texas 75220.

RESPONSE:

13. Admit or Deny that Gary Wolens and Emauela Tebaldi were at your home at 5335 S. Dentwood Dr., Dallas, Texas 75220, for a visit with you and for your mutual benefit on July 11 and 12, 2016.

RESPONSE:

14. Admit or Deny that your brother Gary Wolens was injured by CO poisoning on July 11 or July 12, 2016 at 5335 S. Dentwood Dr., Dallas, Texas 75220.

RESPONSE:

15. Admit or Deny that a reasonable and prudent person would not leave running a vehicle in the

garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, on July 11 or July 12, 2016.

RESPONSE:

16. Admit or Deny that Laura Miller left a Mercedes vehicle running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, on July 11 or July 12, 2016.

RESPONSE:

17. Admit or Deny that leaving a vehicle running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220 on July 11 or July 12, 2016 was negligence. Negligence is defined as: "Failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances."

RESPONSE:

18. Admit or Deny that Gary Wolens and Emauela Wolens were injured as a proximate cause of the vehicle left running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, on July 11 or July 12, 2016. Proximate cause is defined as: "A cause that was a substantial facture in brining about an injury or occurrence, and without which cause, such injury or occurrence would not have occurred."

RESPONSE:

19. Admit or Deny that Gary Wolens and Emauela Wolens were injured by Co poisoning as a result of a vehicle left running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, on July 11 or July 12, 2016.

RESPONSE:

20. Admit or deny that the document attached hereto as Exhibit C consisting of 3 pages are true and correct copies of records entitled Prehospital Care Report Summary from the Dallas Fire Rescue.

RESPONSE:

21. Admit or Deny that the document attached as Exhibit D is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

22. Admit or Deny that the document attached as Exhibit E is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

23. Admit or Deny that the document attached as Exhibit F is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

24. Admit or Deny that the document attached as Exhibit G is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

25. Admit or Deny that the document attached as Exhibit H is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

26. Admit or Deny that there was no Dallas Police Department investigation of this event.

RESPONSE:

27. Admit or Deny that the history provided to personnel at the Presbyterian Hospital identified in D thru H was provided by Laura Miller.

RESPONSE:

28. Admit or Deny that on July 11, 2016 and July 12, 2016 while at your home at 5335 S. Dentwood Dr., Dallas, Texas, 75220, Gary Wolens and Emanuele Tebaldi were invitees. In this regard "invitees" is defined to mean: "An invitee is one who enters land with the owner's knowledge and for both the mutual benefit of both the owner and the invitee."

RESPONSE:

29. Admit or Deny that Emanuela Tebaldi was injured at your home located at 5335 S. Dentwood Dr., Dallas, Texas, 75220 on July 11, 2016 or July 12, 2016.

RESPONSE:

30. Admit or Deny that Gary Wolens was injured at your home located at 5335 S. Dentwood Dr., Dallas, Texas, 75220 on July 11, 2016 or July 12, 2016.

RESPONSE:

31. Admit or Deny that when Gary Wolens and Emanuela Tebadli were discovered unresponsive in your home located at 5335 S. Dentwood Dr., Dallas, Texas, 75220, on July 12, 2016, the

Dallas Police Department was not called.

RESPONSE:

32. Admit or Deny that you did not physically enter the room where Plaintiff Emanuela Tebaldi was sleeping on July 12, 2016.

RESPONSE.

“R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honey-comb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors~~[, equipped with a self-closing device]~~.”

15. Subsection R302.12, “Draftstopping,” of Section R302, “Fire-Resistant Construction,” of Chapter 3, “Building Planning,” of the 2012 International Residential Code is amended to read as follows:

“R302.12 Draftstopping. In combustible construction where there is usable space both above and below the **concealed space** of a floor/ceiling assembly, draftstops shall be installed so that the area of the **concealed space** does not exceed 1,000 square feet (92.9 m²). Draftstopping shall divide the concealed space into approximately equal areas. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping shall be provided in floor/ceiling assemblies under the following circumstances:

1. Ceiling is suspended under the floor framing.
2. Floor framing is constructed of truss-type open-web or perforated members.

Exception: When the entire building, including within the floor-ceiling assembly, is protected by an approved automatic sprinkler system, the floor-ceiling assembly is not required to be subdivided.

R302.12.1 Materials. Draftstopping materials shall not be less than ½-inch (12.7 mm) gypsum board, 3/8-inch (9.5 mm) wood structural panels or other *approved* materials adequately supported. Draftstopping shall be installed parallel to the floor framing members unless otherwise *approved* by the *building official*. The integrity of the draftstops shall be maintained.

R302.12.2 Draftstopping attics. Draftstopping shall be installed in attics and concealed roof spaces, such that any horizontal area does not exceed 9,000 square feet (836.13 m²).

Exception: When the entire building, including the attic spaces, is protected by an approved automatic sprinkler system, the attic is not required to be subdivided.”

16. Subsection R303.3, “Bathrooms,” of Section R303, “Light, Ventilation and Heating,” of Chapter 3, “Building Planning,” of the 2012 International Residential Code is amended to read as follows:

1. The average flow rate for all lavatory faucets must be less than or equal to 2.0 gallons per minute.
2. The average flow rate for all shower heads must be less than or equal to 2.0 gallons per minute.
3. The average flow rate for all toilets must be:
 - 3.1. Less than or equal to 1.3 gallons per flush;
 - 3.2. Be dual flush and meet the requirements of ASME A 112.19.14; or
 - 3.3. Meet the U.S. Environmental Protection Agency Water Sense specification and be certified and labeled correctly.

325.5.3 Energy efficiency. All *proposed projects* must:

1. Meet the performance requirements of ENERGY STAR for Homes to achieve a HERS rating of 75; or
2. Achieve energy efficiency 15 percent above the requirements of the *Dallas Energy Conservation Code* using the IC3 calculator.

325.5.4 Heat island mitigation. *Proposed projects* shall install an ENERGY STAR qualified roof on all roofs with a slope of 2:12 or greater.

Exception: A vegetated roof may installed subject to approval by the *building official*.

325.5.5 Indoor air quality.

325.5.5.1 HVAC. For *proposed projects*, all air-handling equipment and ductwork must be outside the fire-rated envelope of the garage.

325.5.5.2 Minimize pollutants from the garage. For *proposed projects*, surfaces between conditioned space and an attached garage must be tightly sealed.

325.5.5.2.1 Conditioned spaces above a garage.

1. All penetrations must be sealed.
2. All floor and ceiling joist bays must be sealed.
3. The walls and ceilings of conditioned spaces above a garage must be painted.

ORDINANCE NO. 1765

An Ordinance amending provisions of the Dallas City Code Chapter 8, and adding new provisions relating to property maintenance regulations; and amending Dallas City Code section 5.590, relating to Chronic Nuisance Properties.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are hereby added to and made a part of Dallas City Code Chapter 8:

PROPERTY MAINTENANCE REGULATIONS

8.800 Title.

Sections 8.800 to 8.833 shall be known as the "property maintenance regulations." and is referred to herein as "this sub-chapter."

8.801 Purpose.

The purpose of this sub-chapter is to protect the health, safety and welfare of city citizens, to prevent deterioration of existing structures, and to contribute to vital neighborhoods by:

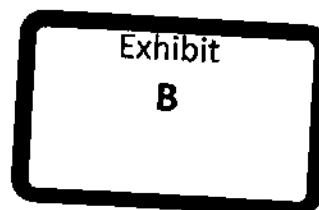
- (1) Regulating and abating dangerous and derelict buildings.
- (2) Establishing and enforcing minimum standards for buildings and other structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.

8.802 Scope; conflict with state law.

The provisions of this sub-chapter shall apply to all property in the city limits except as otherwise provided by law; however, the provisions of this sub-chapter do not apply to jails, institutions and similar occupancies as classified by the state-adopted structural specialty code. In the event that a provision of this sub-chapter conflicts with a licensing requirement of the state, the state licensing requirements shall be followed.

8.803 Application.

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this sub-chapter shall be done in accordance with applicable building codes as adopted by the city.



8.828 Emergency exits.

- (1) Unless otherwise provided in accordance with the requirements applicable at the time of construction of the building, every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full, clear opening without the use of special knowledge, effort, or separate tools.
- (2) Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.
- (3) All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

8.829 Smoke alarms and carbon monoxide alarms.

- (1) Smoke alarms or detectors shall be maintained in accordance with the requirements applicable at the time of construction of the dwelling. Notwithstanding the provisions of the requirement at the time of construction, a single station smoke alarm or detector shall be located in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. A single station smoke alarm or detector shall be installed in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements, cellars and attics with habitable space. Required smoke alarms shall not be located within kitchens or garages, or in other spaces where temperatures can fall below 40 degrees Fahrenheit (38 degrees Celsius). All alarms and detectors shall be approved, shall comply with all applicable laws, shall be installed in accordance with the manufacturer's instructions and shall be operable.
- (2) A properly functioning carbon monoxide alarm shall be installed for all new dwelling construction and all dwelling units for sale, lease or rent. A carbon monoxide alarm shall be located:
 - (a) In each bedroom or within 15 feet outside of each bedroom door; and
 - (b) In any enclosed common area within the dwelling, if the common area is connected by door, ductwork or ventilation shaft to a carbon monoxide source located within or attached to the dwelling.
- (3) Allowable carbon monoxide alarm systems for the purposes of this section include:
 - (a) Single station alarms;
 - (b) Household carbon monoxide detection systems; or
 - (c) Combination smoke and carbon monoxide alarms.

(s) Sex Abuse, Contributing to the Delinquency of a Minor, or sexual misconduct as provided in ORS 163.415 through 163.445;

(t) Theft as provided in ORS 164.015 through 164.140 or in sections 5.132 through 5.136 of this code;

(u) Unlawful Entry into a Motor Vehicle as provided in ORS 164.272 or in section 5.142 of this code;

(v) Offenses involving firearms or destructive devices, including Unlawful Possession of a Firearm as provided in ORS 166.250 or in section 5.100 of this code, Possession of a Destructive Device as provided in ORS 166.382, Possession of a Hoax Destructive Device as provided in ORS 166.385, and Discharge of Weapons as provided in section 5.102 of this code;

(w) Unlawful Manufacture, Delivery, or Possession of a Controlled Substance or related offenses as provided in ORS 167.203, ORS 475.005 through 475.285, and ORS 475.940 through 475.995;

(x) Unnecessary Noise as provided in section 5.020 of this code.

(y) Maintenance of a Dangerous Building in violation of sections 8.400 through 8.455 of this code.

(z) A violation of the Property Maintenance Regulations in sections 8.800 through 8.833 of this code.

(aa) Any nuisance condition or activity in violation of sections 5.540, (Nuisances affecting public health), 5.550 (Creating a hazard), 5.552 (Attractive nuisance), 5.556 (Scattering rubbish), 5.562 (Surface waters, Drainage), 5.582 (Junk), 5.584 (Inoperable motor vehicles and recreational vehicles), 5.586 (Exterior lighting), 5.588 (Graffiti).

Read for the first time: May 19, 2014

Read for the second time: June 2, 2014

Adopted by the City Council: June 2, 2014

Approved by the Mayor: June 2, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

RONALD W. FOGGIN,
CITY MANAGER

APPROVED AS TO FORM:

LANE P. SHETTERLY, CITY
ATTORNEY

Prehospital Care Report Summary

Dallas Fire-Rescue

Date: 07/12/2016 Call #: 2016156185 Booklet: 10476393 Branch: Station 43 Time Zone: America/Chicago

Call Information:

Disposition: Treated/Transported
 Unit #: RE43 - Rescue 43, Ground-Ambulance Trip Type: N/A
 Run Type to Scene: N/A Emergent (Immediate Response)
 Incident Facility:
 Incident Location: 5335 S Dentwood Dr - Dallas, TX 75220 (DALLAS County)
 Incident Type: N/A

Patients Transported
 In My Unit: 1
 # Patients at Scene: 2

Receiving Facility: PRESBYTERIAN DALLAS (Hospital) - 8200 WALNUT HILL LN - DALLAS, TX 75231
 Facility Address: 8200 WALNUT HILL LN - DALLAS, TX 75231
 Destination Type: N/A
 Dest. Reason: N/A
 Registration #: N/A

Call Received: 10:28:49
 Dispatched: 10:28:50
 En Route: 10:27:45
 On Scene: 10:33:41
 Patient Contact: 10:35:41
 Left Scene: 10:51:09
 At Destination: 11:01:35
 Transfer of Care: N/A
 In Service: 11:01:35

Loaded Mileage: N/A
 Crew Members: Dustin Zamora, EMT-P(DOC); Cesar Corral, EMT-P(DS)(DH)

Time On Scene: 17 Min
 Time to Destination: 35 Min
 Total Time of Run: 35 Min

Moved to Amb By: Transport Position: From Amb By: Stretcher

Call Origin: N/A Lights/Siren: Scene - Lights and Sirens, Destination - Not used

Patient Information:

Name: emmanuela tebaldi
 Address: 5335 S Dentwood Dr - Dallas, TX 75220
 Phone:
 Email:
 SSN: 000-00-0000
 Driver License: uto
 Local Resident: Yes

DOB: 06/17/1963
 Gender: Female
 Age: 53 Years (Approx.)
 Weight: 142 lbs. (Approx.) Broselow:

Other Contact Info

Name: Phone: Cell Phone:
 Relationship:

Current Meds: Comments:
 Env Allergies: Comments:
 Med Allergies: Comments:
 Patient Physician:
 Advanced Directives:
 PMH:
 Comment:

Payer Information:**Clinical:**

Onset Date/Time: 07/12/16 10:08:33
 Dispatch Reason (EMD): 36 36 - Carbon Monoxide

Medical Need:

Provider Impression: Carbon Mon. Poisoning
 Mechanism of Injury:
 Protocol 1:

Protocol 2:

Tebaldi, Emanuela [6/17/1963] ED0301
 MRN : 1689959
 Acct #: 4604458652

Assessments:

Time	Employee	Type	Summary
------	----------	------	---------

Vitals:

07/12/16 11:46

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 07/12/2016 Call# 2016156185 BK: 10476393 - 1 of 3

PCR # of 4

Exhibit

C

Time Employee Summary

10:47:11 BP: 102/65
Pulse: 120

10:48:54 BP: 121/77
Pulse: 107
CO2: 33

10:50:29 BP: 107/61
Pulse: 119
CO2: 33

10:55:44 CO2: 33

Treatments/Medications:**Time Employee Summary**

10:27:00 Zamora, Dustin **Treatment- Blood Glucose**

Success: Yes

Response: Unchanged Authorization: Yes Authorization Type: On-Line

Level: ALS1

Comments: by en 27

10:27:01 Zamora, Dustin **Treatment- LifePak (4 Lead ECG)**

Success: N/A

Level: ALS1

10:29:52 Corral, Cesar **Treatment- IV Insertion**

Success: Yes

Authorization: Yes

Level: ALS1

11:01:11 Zamora, Dustin **Treatment- Airway (NRB)**

Success: Yes

Level: ALS1

Supply

Qty Supply

EKG Device Incident Number:**Narrative History Text:**

RE 43 ARRIVED AT THE SCENE OF CO POISONING. EN 27 WAS ON SCENE AND HAD STARTED PT EVALUATION. THERE WERE TWO PTS ON SCENE. BOTH WERE NON RESPONSIVE. HOUSE SMELLED OF CO AND CAR WAS RUNNING IN THE GARAGE AT A LOWER LEVEL. EMS PLACED PT ON HIGH FLOW O2, EMS STARTED 4-LEAD. PT WAS BREATHING 23 BPM AND WAS RESPONSIVE TO PAIN. EMS PERFORMED IV AND MONITORED PT EN ROUTE. PT REMAINED NONRESPONSIVE EN ROUTE TO HOSPITAL AND PT ARRIVED SAFELY. PT CARE WAS TRANSFERRED TO ED STAFF.

Unable to Sign:

Unable to Sign Reason: Other - See documentation

Authorized Representative:

Authorized Representative Signature: No

Secondary Documentation:

Secondary Documentation Signature: No

Comment:

pt. unc. due co poisoning.

Tobaldi, Emanuele (8/17/1963) ED0301
MRN : 1689959
Acct #: 4604458652

Auth Signature: No Privacy Sig: No Unable to Sign: Yes Refused to Sign: No

Signature Image(s):

Authorization Signature

Privacy Notice Signature




07/12/16 11:48

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07/12/2016 Call# 2016156185 BK: 10476393 - 2 of 3

PCB 6 of 3

Receiving RN / MD Signature - amy s - 07/12/2016 11:17

De

Technician Signature - 07/12/2016 10:56

[Signature]

Technician 2 Signature - 07/12/2016 10:56

CC

Recommended Service Level: ALS1 / Dispatch Service Level: BLS

Tebaldi, Emanuela [6/17/1963] ED0301
MRN : 1689959
Acct #: 4604458652

07/12/16 11:48

Confidential: PHI - 6 2000-2016 Physio-Control - Health EMS
07/12/2016 Call# 2016156185 BK: 10476393 - 3 of 3

PCR 4 of 4

ED Provider Notes (continued)**ED Provider Notes by Crowley, Samuel Richard, MD at 07/12/16 1111 (continued)**

These images demonstrate no region of abnormal density within the brain. The ventricles are normal in size and position. There is no evidence of acute intracranial hemorrhage or extra-axial fluid collection. The sinuses and mastoids are normally aerated.

Medications Given in ED:**ED Medication Administration from 07/12/2016 1104 to 07/12/2016 1216**

Date/Time	Order	Dose	Route	Action
07/12/2016 1116	etomidate (AMIDATE) solution	20 mg	INTR AVEN OUS	Given
07/12/2016 1117	succinylcholine (ANECTINE) solution	100 mg	INTR AVEN OUS	Given
07/12/2016 1139	NORMAL SALINE 1,000 mL		IV BOLUS	New Bag/Vial
07/12/2016 1155	midazolam (VERSED) solution	2 mg	INTR AVEN OUS	Given
07/12/2016 1145	NORMAL SALINE solution			Due

Filed Vitals:

	07/12/16 1115	07/12/16 1127	07/12/16 1131	07/12/16 1200
BP:	97/56	100/56	99/56	107/64
Pulse:	105	107		95
Temp:		97.7 °F (36.5 °C)		
TempSrc:		Temporal Artery		
Resp:	19	17	16	
Weight:				
SpO2:	98%	100%	99%	

Rechecks/ED Course/Consults:

11:17 AM BP 97/56 HR 107 osat 99

11:19 AM Dr. Hultz (pulmonology) at bed side.

11:36 AM BP 96/75 HR 108.

12:00 PM Per social worker, she has spoken to the pt's family who states that the pt flew in from London to visit family, states that her and her husband were driving a Tesla, they parked it in the garage and thought it would turned off by itself but it didn't.

12:03 PM Spoke with the patient flow coordinator who will admit to Dr. Dominguez (MDOC).

TEXAS HEALTH DALLAS

TEBALDI, EMANUELA

MRN: 1689959

Acct #: 4604458652

Admit Date: 7/12/2016

Printed by NGUANHL at 8/11/16 12:20 PM

**Exhibit
D**

ED Provider Notes (continued)

ED Provider Notes by Crowley, Samuel Richard, MD at 07/12/16 1111 (continued)

12:08 PM Updated the pt's family. The pt's family states that her husband has been driving a Tesla, the car which was found in the garage was a regular car which he parked in the garage last night, forgot to turn off and left to go to Washington. Family states that she found the car this morning very hot but off and it wouldn't turn on so she took a cab to got to Obama's conference and realized on the way that the car could have been on all night and that she had guests above the garage so she called the maid to check on the pt and her brother in law who were found in their beds unconscious.

12:24 PM Spoke to the hyperbarics nurse, hyperbaric staff aware of pt, awaiting to discuss with D. Pompeo.

Critical Care:

Unstable/Abnormal Vital Signs, Life Threatening Conditions, Multiple evaluations, Multiple conditions, Time in Critical care of Patient (exclusive of separately billed procedures) 99291 1st 30-74 minutes

ED Disposition

Admit The condition of the patient at this time is stable.

There are no discharge medications for this patient.

Encounter Diagnoses

Name

Carbon monoxide poisoning from motor vehicle exhaust, accidental or unintentional, initial encounter (primary encounter diagnosis)

I, Alina Warner, am scribing for, and in the presence of, Crowley, Samuel Richard, MD on 07/12/2016, 11:11 AM. Electronically signed by Alina Warner on 07/12/2016, 11:11 AM.

Documentation assistance provided for Samuel Richard Crowley, by the following scribe(s) Alina Warner. Information recorded by the Scribe was done at my direction and has been reviewed and validated by me on 07/12/2016, 12:59 PM. Electronically signed by Samuel Richard Crowley on 07/12/2016, 12:59 PM.

Scribe Alina Warner

Dr. Sam Crowley
Physician Number: 308

ED Notes

ED Notes by Somers, Amy B, RN at 07/12/16 1122

Author: Somers, Amy B, RN
Filed: 07/12/16 1124
Editor: Somers, Amy B, RN (Registered Nurse)

Specialty: Emergency Medicine
Note Time: 07/12/16 1122

Author Type: Registered Nurse
Status: Signed

1104 pt arrives to the ED via EMS, unresponsive. Pt was found by the maid in an garage apartment. Car was running in the garage. Pt was found in a twin bed upstairs. Pt drooling. Pt responds to pain. Pt does not open her eyes, pt does not move extremities. EMS dstick 108. Pupils 4mm, equal, sluggish. Diminished breath sounds
1108 Pt placed on NRB
1109 nancy, RN suctioned pt. No response

TEXAS HEALTH DALLAS

TEBALDI, EMANUELA

MRN: 1689959

Acct #: 4604458652

Admit Date: 7/12/2016

Printed by NGUANHL at 8/11/16 12:20 PM

Exhibit

E

H&P (continued)

H&P by Dominguez, Manuel, MD at 07/12/16 1214 (continued)

Past History:

History of present illness: Patient is a fifty-three-year old woman with unknown past medical history. Information is limited at present and obtained from ICU attending physician and family member. Reportedly, patient was found unresponsive at home this AM. Family member suspects that car engine was kept running all night.

Patient was brought to ED for concern of carbon monoxide poisoning. En route to ED, she was responsive to noxious stimuli and was placed on supplemental oxygen, according to records. In ED, patient underwent endotracheal intubation and was placed on mechanical ventilation.

No past medical history on file.

No past surgical history on file.

No family history on file.

History

Substance Use Topics

- Smoking status: Not on file
- Smokeless tobacco: Not on file
- Alcohol Use: Not on file

No Known Allergies

Prior to Admission Medications

Not on File

Review of Systems: Unable to obtain - patient intubated and on mechanical ventilation

Physical Exam:

Temp: 97.7 °F Pulse: 95 Resp: 16 BP: 107/64 mmHg SpO2: 99 % Weight: 68.856 kg (151 lb 12.8 oz)

There is no height on file to calculate BMI.

General:

Patient is stable but critically ill and on mechanical ventilation

Neuro:

Patient withdraws to noxious stimuli

HEENT:

Pupils are dilated. Patient withdraws to pain.

Cardiovascular:

Patient has normal PMI, no lift, no heave, no thrill, no murmurs, clicks, rubs, or gallops. Regular rate and rhythm. No edema or varicosities.

Respiratory:

ET tube in place. Patient has normal respiratory rate and rhythm. Lungs are clear to auscultation anteriorly.

Abdomen:

Patient has a normal abdominal exam. Abdomen is soft, non-tender, with no masses palpable. Normal to percussion. No palpable or incisional or umbilical hernias.

Musculoskeletal:

No clubbing, or edema noted.

Lab Results: Reviewed

Imaging:

1. CXR Single View (7/12/16):

-Minimal right lower lobe atelectasis.

-Endotracheal tube and nasogastric tube are in good position

TEXAS HEALTH DALLAS

TEBALDI, EMANUELA

MRN: 1689959

Acct #: 4604458652

Admit Date: 7/12/2016

Printed by NGUANHL at 8/11/16 12:20 PM

H&P (continued)

H&P by Dominguez, Manuel, MD at 07/12/16 1214 (continued)

2. CT Head Without IV Contrast (7/12/16):

-Normal head CT

Assessment:

Patient is a fifty-three-year old woman with unknown past medical history here after being found unresponsive at home.

Problem List:

1. Change in Mental Status: Manifested by lethargy and non responsiveness, according to history, and occurring in the setting of suspected carbon monoxide poisoning. Plasma carboxyhemoglobin level measured at ~16% (11:40). UDS negative. Plasma acetaminophen, salicylate and ethanol undetectable
2. Elevated Troponin: Measured at 0.48 ng/mL and occurring in the setting of suspected CO poisoning
3. Leukocytosis: Likely reactive in the setting of CO poisoning. Patient afebrile.

Plan:

1. Admit to ICU - assistance by Critical Care Service is appreciated
2. Mechanical ventilation per ICU Service
3. Consult Hyperbaric Service
4. Trend plasma carboxyhemoglobin
5. Telemetry
6. Trend cardiac enzymes
7. Check TSH

Manuel Dominguez, MD 7/12/2016 12:14

Consults

Consults by Holtz, Anita G., MD at 07/12/16 1500

Author: Holtz, Anita G., MD

Filed: 07/12/16 1517

Editor: Holtz, Anita G., MD (Physician)

Specialty: Internal Medicine / Pulmonary Disease.

Note Time: 07/12/16 1500

Author Type: Physician

Status: Signed

Critical Care Consult Note

Patient Name: Emanuela Tebaldi

Medical Record No.: 1689959

Date of Birth: 6/17/1963

Age/Sex: 53 y.o. female

Today's Date: 7/12/2016

Date of Admission: 7/12/2016

Location: H337/H33701

Attending Physician: Dominguez, Manuel, MD

Reason for Consult: Acute resp failure, acute encephalopathy

History of present illness: 53 yo F pmh of hypothyroidism who traveled to the US from London recently. She went to dinner with her hosts and unfortunately was staying in a guest suite above the garage, where the gas ignition vehicle was left running overnight. She was found down by a maid and unresponsive. She was last normal around 10pm the evening prior. She was brought to the ER by EMS and intubated prior to my arrival, discovered to have elevated COHg. Prior to intubation withdrew from noxious stimuli only.

Past History:

PMH: hypothyroidism

TEXAS HEALTH DALLAS

TEBALDI,EMANUELA

MRN: 1689959

Acct #: 4604458652

Admit Date: 7/12/2016

Printed by NGUANHL at 8/11/16 12:20 PM

Consults (continued)

Consults signed by Shah, Samir Has Mukh, MD at 07/13/16 0644 (continued)

to exclude nonconvulsive seizure activity. We will review the literature about any other measures that should be taken.

SAMIR HASMUKH SHAH, MD

SHS/MODL

D: 07/12/2016 14:58:10

T: 07/12/2016 15:25:02

Job #: 019289/705875058

Consults by Sule, Sandeep Dileep, MD at 07/15/16 1658

Author: Sule, Sandeep Dileep, MD

Specialty: Otolaryngology.

Author Type: Physician

Filed: 07/15/16 1659

Note Time: 07/15/16 1658

Status: Signed

Editor: Sule, Sandeep Dileep, MD (Physician)

General History and Physical

Name: Emanuela Tebaldi

Date: 7/12/2016 12:14

MR#: 1689959

DOB: 6/17/1963

Room #: ED03/ED0301

Age/Sex: 53 y.o. female

Admit Date: 7/12/2016

Admitting: Manuel Dominguez, MD

Acct #: 4604458652

Chief Complaint: Found unresponsive

Past History:

History of present illness: Patient is a fifty-three-year old woman with unknown past medical history. Information is limited at present and obtained from ICU attending physician and family member. Reportedly, patient was found unresponsive at home this AM. Family member suspects that car engine was kept running all night.

Patient was brought to ED for concern of carbon monoxide poisoning. En route to ED, she was responsive to noxious stimuli and was placed on supplemental oxygen, according to records. In ED, patient underwent endotracheal intubation and was placed on mechanical ventilation.

Past Medical History

No past medical history on file.

Past Surgical History

No past surgical history on file.

Family History

No family history on file.

History

TEXAS HEALTH DALLAS

TEBALDI, EMANUELA

MRN: 1689959

Acct #: 4604458652

Admit Date: 7/12/2016

Printed by NGUANHL at 8/11/16 12:20 PM

Exhibit
H

CAUSE NO. _____

EMANUELA TEBALDI,
ZAC IMAM, ISABELLA IMAM,
and ANASTASIA IMAM,
Plaintiffs,

VS.

STEVEN WOLENS and
LAURA MILLER,
Defendants.

§
§
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§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

____ JUDICIAL DISTRICT

**PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO DEFENDANT STEVEN WOLENS**

TO: Defendant, Steven Wolens, served with Plaintiffs' Original Petition.

The following Interrogatories are served upon you in accordance with the Texas Rules of Civil Procedure, to be answered and responded to separately, fully, in writing and under oath within fifty (50) days following service and shall be given to the undersigned attorney of record.

You are further charged with a duty to supplement your answers and responses if you later obtain information which provides a basis upon which:

- a. you know any answer or response was incorrect when made; or
- b. you know, though correct when made, any previously provided answer or response is no longer true or accurate, and the circumstances are such that a failure to amend is, in substance, a knowing concealment.

Respectfully submitted,

THE LAW FIRM OF ALTON C. TODD



Alton C. Todd
State Bar No. 20092000
312 S. Friendswood Drive
Friendswood, Texas 77546

Phone: 281-992-8633

Fax: 281-648-8633

alton@actlaw.com

ATTORNEY FOR PLAINTIFFS

PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT STEVEN WOLENS

1. Please state your full and correct legal name as of July 11, 2016.

RESPONSE:

2. Do you know of any other person or entity that may be responsible for the events giving rise to this lawsuit and should be named as a responsible third party ? If yes, then as to such person or entity please state their correct legal name, address and phone number as of July 11, 2016.

RESPONSE:

3. Did you leave a vehicle running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, under the room where Emanuela Tebaldi was sleeping on July 11 and July 12, 2016.

RESPONSE:

4. Please describe by make, model, year and VIN number of each vehicle that was in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, after 8:00 pm on July 11, 2016.

RESPONSE:

5. As to each vehicle identified in the previous interrogatory, please state the following:
 - a. Where the vehicle was purchased?
 - b. When the vehicle was purchased?

RESPONSE:

6. Did you or your insurance company or counsel or any agents, employees, servants or representatives of any thereof, place Emanula Tebaldi under surveillance? If yes, please state the name, address and phone number of the person or entity that conducted such investigation and state whether they videotaped or recorded such surveillance.

RESPONSE:

7. Were any improvements made to the room over the garage from the time of purchase to the present? If so, please state;
 1. The general nature of the improvements; and
 2. Identify by name, address and phone number each person or entity that made such improvements and when they were made.

RESPONSE:

8. Did you have a CO alarm or detector in the room over the garage at 5335 S. Dentwood Dr., Dallas, Texas, 75220, as of July 11, 2016? If the answer is “yes”, where was it located?

RESPONSE:

9. Please state the correct address and phone number of your brother Gary Wolens.

RESPONSE:

10. If you have answered Request for Admissions 1 through 32 in any other manner than “Admitted” then please state the following :
- The factual basis for your response;
 - The name, address and phone number of each person who provided facts to you upon which you relied for your response; and
 - Identify each document by date, general description and who the author is upon which your relied in whole or part for your response.

RESPONSE:

11. Did you have CO alarms or detectors in any room at your home at 5335 S. Dentwood Dr., Dallas, Texas 75220, as of July 11, 2016? If you have answered yes, please identify where such alarms or detectors were by stating a description of the room where located and when installed.

RESPONSE:

12. Please state the name, address and phone number of the person who is described in the Dallas Fire Rescue records as the “maid”.

RESPONSE:

13. Please state all reasons you are aware of as to why the Dallas Police Department was not called.

RESPONSE:

14. Please state the name, address and phone number of each person you spoke to on July 12, 2016 about the event made the basis of this suit including but not limited to Dallas Fire Rescue, Dallas Police Department, your maid, Presbyterian Hospital, any auto repair facility including in your answer the approximate time you spoke to them, the general substance of the conversation.

RESPONSE:

15. What was done with the vehicle that was in the garage on July 11 and July 12, 2016 and believed to be the source of the CO including but not limited to where it was taken, when it was taken, the reason it was taken and what was done to it and why it was taken.

RESPONSE:

16. Has a settlement been reached for any claim by Gary Wolens including but not limited to any medical payment under your insurance policies? If so, when and for how much.

RESPONSE:

17. Please identify the name, address and phone number of the entity and person(s) who after July 11, 2016 performed any work on the vehicles that were in the garage on July 11 and July 12, 2016.

RESPONSE:

18. Please state the time you departed by air on July 12, 2016

RESPONSE:

19. Please state the time you first spoke to Laura Miller on July 12, 2016, and the first time you learned about the incident made the basis of this lawsuit and from whom.

RESPONSE:

CAUSE NO. _____

EMANUELA TEBALDI,
ZAC IMAM, ISABELLA IMAM,
and ANASTASIA IMAM,
Plaintiffs,

VS.

STEVEN WOLENS and
LAURA MILLER,
Defendants.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

____ JUDICIAL DISTRICT

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION
TO DEFENDANT STEVEN WOLENS**

TO: Defendant, Steven Wolens, served with Plaintiffs' Original Petition.

The following Requests for Production are served upon you in accordance with the Texas Rules of Civil Procedure, to be answered and responded to separately, fully, in writing and under oath within fifty (50) days following service and shall be given to the undersigned attorney of record.

You are further charged with a duty to supplement your answers and responses if you later obtain information which provides a basis upon which:

- a. you know any answer or response was incorrect when made; or
- b. you know, though correct when made, any previously provided answer or response is no longer true or accurate, and the circumstances are such that a failure to amend is, in substance, a knowing concealment.

Respectfully submitted,

THE LAW FIRM OF ALTON C. TODD



Alton C. Todd
State Bar No. 20092000
312 S. Friendswood Drive

Friendswood, Texas 77546

Phone: 281-992-8633

Fax: 281-648-8633

alton@actlaw.com

ATTORNEY FOR PLAINTIFFS

PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION
TO DEFENDANT, STEVEN WOLENS

1. Please produce all maintenance records for each vehicle that was in your garage on July 11, 2016.

RESPONSE:

2. Please produce all surveillance tapes and/or photographs in your possession of Emanuela Tebaldi.

RESPONSE:

3. Please produce all purchase and title documents for each vehicle that was in your garage on July 11, 2016.

RESPONSE:

4. The most recent financial statement.

RESPONSE:

5. Produce any statements you may have from any witness pertaining to any matters relevant to the incident made the basis of this lawsuit.

RESPONSE:

6. Please produce all records or documents showing any improvement to the garage at 5335 S. Dentwood Dr., Dallas, Texas, 75220.

RESPONSE:

7. Please produce all records or documents showing any improvements made to the room over the garage.

RESPONSE:

8. Please provide a date and time for entry upon your property, located at 5335 S. Dentwood Dr., Dallas, Texas, to inspect, measure, survey, photograph, videotape, test and/or sample the garage and the room above the garage where the incident made the basis of this lawsuit took place.

RESPONSE:

9. Please produce your cellular phone records from July 11, 2016 at 12:00 a.m. to July 15, 2016 at 11:59 p.m. In lieu thereof, please sign the attached cellular phone records authorization for Plaintiffs to obtain the requested records.

RESPONSE:

10. All documents and printouts for your flight itinerary and travel of July 12, 2016.

RESPONSE:

AUTHORIZATION FOR CELLULAR PHONE RECORDS

TO WHOM IT MAY CONCERN:

This will authorize any cellular phone service provider, including any subcontractors, franchises, or independent agents, who have provided me with cell service or a cellular phone product to produce any and all records for the time period _____ to THE LAW FIRM OF ALTON C. TODD, 312 S. Friendswood Drive, Friendswood, Texas 77546. This authorization extends to all cellular service agreements or contracts for service, computerized account records, billing records, repair and service records, call logs, monthly billing statements, and records canceling service by either the provider or the customer. The purpose of this release is to provide cellular phone information and records in connection with pending litigation.

A copy of this authorization shall have the same force and effect as the original. I further agree to allow use of this authorization during the entire pendency of this suit.

Date of Birth _____

Other names used: _____

Billing Address: _____

Mailing Address: _____
(if different from above)

Texas Driver's License No.: _____

Name on Cellular Account: _____

Cell Phone Numbers: _____

Cell Phone Carrier: _____

Signed this _____ day of _____, 20____.

Signature

CAUSE NO. _____

EMANUELA TEBALDI,
ZAC IMAM, ISABELLA IMAM,
and ANASTASIA IMAM,
Plaintiffs,

VS.

STEVEN WOLENS and
LAURA MILLER,
Defendants.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

____ JUDICIAL DISTRICT

**PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSIONS
TO DEFENDANT LAURA MILLER**

TO: Defendant, Laura Miller, served with Plaintiffs' Original Petition.

The following Requests for Admissions are served upon you in accordance with the Texas Rules of Civil Procedure, to be answered and responded to in writing and under oath within fifty (50) days following service and shall be given to the undersigned attorney of record.

You are further charged with a duty to supplement your answers and responses if you later obtain information which provides a basis upon which:

- a. you know any answer or response was incorrect when made; or
- b. you know, though correct when made, any previously provided answer or response is no longer true or accurate, and the circumstances are such that a failure to amend is, in substance, a knowing concealment.

Respectfully submitted,

THE LAW FIRM OF ALTON C. TODD



Alton C. Todd
State Bar No. 20092000
312 S. Friendswood Drive
Friendswood, Texas 77546
Phone: 281-992-8633

Fax: 281-648-8633
alton@actlaw.com

ATTORNEY FOR PLAINTIFFS

PLAINTIFFS' FIRST REQUESTS FOR ADMISSIONS
TO DEFENDANT, LAURA MILLER

1. Admit or Deny that before July 11, 2016 were you aware of the ordinances below for garage apartments.
 - a. Ordinance 29164- Dallas-9/25/13
302.5.1- opening protection- floor membrane- solid wood floor
325.5.5-Indoor Air Quality
325.5.5.2.1- conditioned spaces above garage- sealed
 - b. Ordinance 1765- Dallas Code Chapter 8- approved June 2, 2014
8.829 (2) properly functioning CO alarms

RESPONSE:

2. Admit or Deny that the document attached hereto as Exhibit A is a true and correct copy of Dallas City Ordinance 29164 that was in effect July 11, 2016.

RESPONSE:

3. Admit or Deny that the document attached hereto as Exhibit B is a true and correct copy of Dallas City Ordinance 1765 that was in effect July 11, 2016.

RESPONSE:

4. Admit or Deny that you did have a properly functioning CO alarm in the room over the garage apartment at 5335 S. Dentwood Dr., Dallas, Texas, 75220, where Emanuela Tebaldi was sleeping on July 11 and July 12, 2016.

RESPONSE:

5. Admit or Deny that you did not have a properly functioning CO alarm in the room over the garage apartment at 5335 S. Dentwood Dr., Dallas, Texas, 75220, where Emanuela Tebaldi was sleeping on July 11 and July 12, 2016.

RESPONSE:

6. Admit or Deny that you left a vehicle running in the garage at 5335 S. Dentwood Dr., Dallas, Texas, 75220, under the room where Emanuela Tebaldi was sleeping on July 11 and July 12, 2016.

RESPONSE:

7. Admit or Deny that a vehicle was left running in the garage at 5335 S. Dentwood Dr., Dallas, Texas, 75220, under the room where Emanuela Tebaldi was sleeping on July 11 and July 12, 2016.

RESPONSE:

8. Admit or Deny that before you left 5335 S. Dentwood Dr., Dallas, Texas 75220, to attend a conference in Dallas, Texas on the morning of July 12, 2016 you went into the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, and found that the hood of a vehicle was hot, but the car was not running.

RESPONSE:

9. Admit or Deny that when Emanuela Tebaldi arrived in Dallas on July 11, 2016, she was picked up by you at the airport and driven to your home located at 5335 S. Dentwood Dr., Dallas, Texas 75220.

RESPONSE:

10. Admit or Deny that on the evening of July 11, 2016 you were the last person to park a vehicle in the garage of your home located at 5335 S. Dentwood Dr., Dallas, Texas 75220.

RESPONSE:

11. Admit or Deny that Emanuela Tebaldi had your permission to occupy and sleep in the bedroom room over the garage on July 11 and July 12, 2016 at 5335 S. Dentwood Dr., Dallas, Texas 75220.

RESPONSE:

12. Admit or Deny that your brother-in-law Gary Wolens was with Emauela Tebaldi on July 11, 2016 and 12, 2016 at 5335 S. Dentwood Dr., Dallas, Texas, 75220.

RESPONSE:

13. Admit or Deny that Gary Wolens and Emauela Tebaldi were at your home at 5335 S. Dentwood Dr., Dallas, Texas 75220, for a visit with you and for your mutual benefit on July 11 and 12, 2016.

RESPONSE:

14. Admit or Deny that your brother-in-law Gary Wolens was injured by CO poisoning on July 11 or July 12, 2016 at 5335 S. Dentwood Dr., Dallas, Texas 75220.

RESPONSE:

15. Admit or Deny that a reasonable and prudent person would not leave running a vehicle in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, on July 11 or July 12, 2016.

RESPONSE:

16. Admit or Deny that Steven Wolens left your Mercedes vehicle running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, on July 11 or July 12, 2016.

RESPONSE:

17. Admit or Deny that leaving your Mercedes vehicle running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220 on July 11 or July 12, 2016 was negligence. Negligence is defined as: "Failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances."

RESPONSE:

18. Admit or Deny that Gary Wolens and Emauela Wolens were injured as a proximate cause of the Mercedes vehicle left running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, on July 11 or July 12, 2016. Proximate cause is defined as: "A cause that was a substantial facture in brining about an injury or occurrence, and without which cause, such injury or occurrence would not have occurred."

RESPONSE:

19. Admit or Deny that Gary Wolens and Emauela Wolens were injured as a result of your Mercedes vehicle left running in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, on July 11 or July 12, 2016.

RESPONSE:

20. Admit or deny that the document attached hereto as exhibit C consisting of 3 pages are true and correct copies of records entitled Prehospital Care Report Summary from the Dallas Fire Rescue.

RESPONSE:

21. Admit or Deny that the document attached as exhibit D is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

22. Admit or Deny that the document attached as exhibit E is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

23. Admit or Deny that the document attached as exhibit F is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

24. Admit or Deny that the document attached as exhibit G is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

25. Admit or Deny that the document attached as exhibit H is a true and correct copy of medical records from the Presbyterian Hospital.

RESPONSE:

26. Admit or Deny that there was no Dallas Police Department investigation of this event.

RESPONSE:

27. Admit or Deny that the Dallas Police Department was not called to report this incident by you or your housekeeper.

28. Admit or Deny that the history provided to personnel at the Presbyterian Hospital identified in D thru H was provided by you to the medical staff of Presbyterian Hospital.

RESPONSE:

29. Admit or Deny that on July 11, 2016 and July 12, 2016 while at your home at 5335 S. Dentwood Dr., Dallas, Texas, 75220, Gary Wolens and Emanueala Tebaldi were invitees. In this regard "invitees" is defined to mean: "An invitee is one who enters land with the owner's knowledge and for both the mutual benefit of both the owner and the invitee."

RESPONSE:

30. Admit or Deny that Emanuela Tebaldi was injured at your home located at 5335 S. Dentwood Dr., Dallas, Texas, 75220 on July 11, 2016 or July 12, 2016.

RESPONSE:

31. Admit or Deny that Gary Wolens was injured by CO poisoning at your home located at 5335

S. Dentwood Dr., Dallas, Texas, 75220 on July 11, 2016 or July 12, 2016.

RESPONSE:

32. Admit or Deny that the last person to park a vehicle in the garage of your home located at 5335 S. Dentwood Dr., Dallas, Texas, 75220, on the evening of July 11, 2016 was Steven Wolens.

RESPONSE:

33. Admit or Deny that you entered the garage of your home located at 5335 S. Dentwood Dr., Dallas, Texas, 75220 on the morning of July 12, 2016 before leaving your home.

RESPONSE:

34. Admit or Deny that after you entered your garage located at 5335 S. Dentwood Dr., Dallas, Texas, 75220, on the morning of July 12, 2016, you found the Mercedes vehicle hot.

RESPONSE:

35. Admit or Deny that you did not enter the room above the garage to check on the condition of Plaintiff, Emanuela Tebaldi on the morning of July 12, 2016.

RESPONSE:

“R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honey-comb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors~~[, equipped with a self-closing device].~~”

15. Subsection R302.12, “Draftstopping,” of Section R302, “Fire-Resistant Construction,” of Chapter 3, “Building Planning,” of the 2012 International Residential Code is amended to read as follows:

“R302.12 Draftstopping. In combustible construction where there is usable space both above and below the concealed space of a floor/ceiling assembly, draftstops shall be installed so that the area of the concealed space does not exceed 1,000 square feet (92.9 m²). Draftstopping shall divide the concealed space into approximately equal areas. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping shall be provided in floor/ceiling assemblies under the following circumstances:

1. Ceiling is suspended under the floor framing.
2. Floor framing is constructed of truss-type open-web or perforated members.

Exception: When the entire building, including within the floor-ceiling assembly, is protected by an approved automatic sprinkler system, the floor-ceiling assembly is not required to be subdivided.

R302.12.1 Materials. Draftstopping materials shall not be less than ½-inch (12.7 mm) gypsum board, 3/8-inch (9.5 mm) wood structural panels or other *approved* materials adequately supported. Draftstopping shall be installed parallel to the floor framing members unless otherwise *approved* by the *building official*. The integrity of the draftstops shall be maintained.

R302.12.2 Draftstopping attics. Draftstopping shall be installed in attics and concealed roof spaces, such that any horizontal area does not exceed 9,000 square feet (836.13 m²).

Exception: When the entire building, including the attic spaces, is protected by an approved automatic sprinkler system, the attic is not required to be subdivided.”

16. Subsection R303.3, “Bathrooms,” of Section R303, “Light, Ventilation and Heating,” of Chapter 3, “Building Planning,” of the 2012 International Residential Code is amended to read as follows:

1. The average flow rate for all lavatory faucets must be less than or equal to 2.0 gallons per minute.
2. The average flow rate for all shower heads must be less than or equal to 2.0 gallons per minute.
3. The average flow rate for all toilets must be:
 - 3.1. Less than or equal to 1.3 gallons per flush;
 - 3.2. Be dual flush and meet the requirements of ASME A 112.19.14; or
 - 3.3. Meet the U.S. Environmental Protection Agency Water Sense specification and be certified and labeled correctly.

325.5.3 Energy efficiency. All *proposed projects* must:

1. Meet the performance requirements of ENERGY STAR for Homes to achieve a HERS rating of 75; or
2. Achieve energy efficiency 15 percent above the requirements of the *Dallas Energy Conservation Code* using the IC3 calculator.

325.5.4 Heat island mitigation. *Proposed projects* shall install an ENERGY STAR qualified roof on all roofs with a slope of 2:12 or greater.

Exception: A vegetated roof may installed subject to approval by the *building official*.

325.5.5 Indoor air quality.

325.5.5.1 HVAC. For *proposed projects*, all air-handling equipment and ductwork must be outside the fire-rated envelope of the garage.

325.5.5.2 Minimize pollutants from the garage. For *proposed projects*, surfaces between conditioned space and an attached garage must be tightly sealed.

325.5.5.2.1 Conditioned spaces above a garage.

1. All penetrations must be sealed.
2. All floor and ceiling joist bays must be sealed.
3. The walls and ceilings of conditioned spaces above a garage must be painted.

ORDINANCE NO. 1765

An Ordinance amending provisions of the Dallas City Code Chapter 8, and adding new provisions relating to property maintenance regulations; and amending Dallas City Code section 5.590, relating to Chronic Nuisance Properties.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are hereby added to and made a part of Dallas City Code Chapter 8:

PROPERTY MAINTENANCE REGULATIONS

8.800 Title.

Sections 8.800 to 8.833 shall be known as the "property maintenance regulations." and is referred to herein as "this sub-chapter."

8.801 Purpose.

The purpose of this sub-chapter is to protect the health, safety and welfare of city citizens, to prevent deterioration of existing structures, and to contribute to vital neighborhoods by:

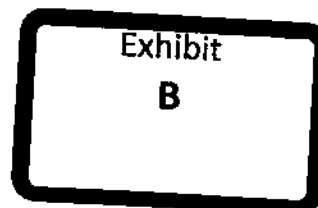
- (1) Regulating and abating dangerous and derelict buildings.
- (2) Establishing and enforcing minimum standards for buildings and other structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.

8.802 Scope; conflict with state law.

The provisions of this sub-chapter shall apply to all property in the city limits except as otherwise provided by law; however, the provisions of this sub-chapter do not apply to jails, institutions and similar occupancies as classified by the state-adopted structural specialty code. In the event that a provision of this sub-chapter conflicts with a licensing requirement of the state, the state licensing requirements shall be followed.

8.803 Application.

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this sub-chapter shall be done in accordance with applicable building codes as adopted by the city.



8.828 Emergency exits.

- (1) Unless otherwise provided in accordance with the requirements applicable at the time of construction of the building, every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full, clear opening without the use of special knowledge, effort, or separate tools.
- (2) Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.
- (3) All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

8.829 Smoke alarms and carbon monoxide alarms.

- (1) Smoke alarms or detectors shall be maintained in accordance with the requirements applicable at the time of construction of the dwelling. Notwithstanding the provisions of the requirement at the time of construction, a single station smoke alarm or detector shall be located in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. A single station smoke alarm or detector shall be installed in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements, cellars and attics with habitable space. Required smoke alarms shall not be located within kitchens or garages, or in other spaces where temperatures can fall below 40 degrees Fahrenheit (38 degrees Celsius). All alarms and detectors shall be approved, shall comply with all applicable laws, shall be installed in accordance with the manufacturer's instructions and shall be operable.
- (2) A properly functioning carbon monoxide alarm shall be installed for all new dwelling construction and all dwelling units for sale, lease or rent. A carbon monoxide alarm shall be located:
 - (a) In each bedroom or within 15 feet outside of each bedroom door; and
 - (b) In any enclosed common area within the dwelling, if the common area is connected by door, ductwork or ventilation shaft to a carbon monoxide source located within or attached to the dwelling.
- (3) Allowable carbon monoxide alarm systems for the purposes of this section include:
 - (a) Single station alarms;
 - (b) Household carbon monoxide detection systems; or
 - (c) Combination smoke and carbon monoxide alarms.

(s) Sex Abuse, Contributing to the Delinquency of a Minor, or sexual misconduct as provided in ORS 163.415 through 163.445;

(t) Theft as provided in ORS 164.015 through 164.140 or in sections 5.132 through 5.136 of this code;

(u) Unlawful Entry into a Motor Vehicle as provided in ORS 164.272 or in section 5.142 of this code;

(v) Offenses involving firearms or destructive devices, including Unlawful Possession of a Firearm as provided in ORS 166.250 or in section 5.100 of this code, Possession of a Destructive Device as provided in ORS 166.382, Possession of a Hoax Destructive Device as provided in ORS 166.385, and Discharge of Weapons as provided in section 5.102 of this code;

(w) Unlawful Manufacture, Delivery, or Possession of a Controlled Substance or related offenses as provided in ORS 167.203, ORS 475.005 through 475.285, and ORS 475.940 through 475.995;

(x) Unnecessary Noise as provided in section 5.020 of this code.

(y) Maintenance of a Dangerous Building in violation of sections 8.400 through 8.455 of this code.

(z) A violation of the Property Maintenance Regulations in sections 8.800 through 8.833 of this code.

(aa) Any nuisance condition or activity in violation of sections 5.540, (Nuisances affecting public health), 5.550 (Creating a hazard), 5.552 (Attractive nuisance), 5.556 (Scattering rubbish), 5.562 (Surface waters, Drainage), 5.582 (Junk), 5.584 (Inoperable motor vehicles and recreational vehicles), 5.586 (Exterior lighting), 5.588 (Graffiti).

Read for the first time: May 19, 2014

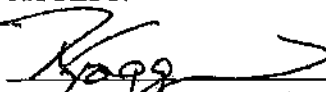
Read for the second time: June 2, 2014

Adopted by the City Council: June 2, 2014

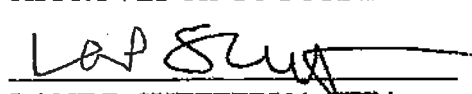
Approved by the Mayor: June 2, 2014

BRIAN W. DALTON, MAYOR

ATTEST:


RONALD W. FOGGIN,
CITY MANAGER

APPROVED AS TO FORM:


LANE P. SHETTERLY, CITY
ATTORNEY

Prehospital Care Report Summary

Dallas Fire-Rescue

Date: 07/12/2016 Call #: 2016156185 Booklet: 10476393 Branch: Station 43 Time Zone: America/Chicago

Call Information:

Disposition: Treated/Transported
 Unit #: RE43 - Rescue 43, Ground-Ambulance Trip Type: N/A
 Run Type to Scene: N/A Emergent (Immediate Response)
 Incident Facility:
 Incident Location: 5335 S Dentwood Dr - Dallas, TX 75220 (DALLAS County)
 Incident Type: N/A

Patients Transported
 In My Unit: 1
 # Patients at Scene: 2

Receiving Facility: PRESBYTERIAN DALLAS (Hospital) - 8200 WALNUT HILL LN - DALLAS, TX 75231
 Facility Address: 8200 WALNUT HILL LN - DALLAS, TX 75231
 Destination Type: N/A
 Dest. Reason: N/A
 Registration #: N/A

Call Received: 10:28:49
 Dispatched: 10:28:50
 En Route: 10:27:46
 On Scene: 10:33:41
 Patient Contact: 10:35:41
 Left Scene: 10:51:09
 At Destination: 11:01:35
 Transfer of Care: N/A
 In Service: 11:01:35

Loaded Mileage: N/A
 Crew Members: Dustin Zamora, EMT-P(DOC); Cesar Corral, EMT-P(DS)(DH)

Time On Scene: 17 Min
 Time to Destination: 35 Min
 Total Time of Run: 35 Min

Moved to Amb By: Transport Position: From Amb By: Stretcher

Call Origin: N/A Lights/Siren: Scene - Lights and Sirens, Destination - Not used

Patient Information:

Name: emmanuel tebaldi
 Address: 5335 S Dentwood Dr - Dallas, TX 75220
 Phone:
 Email:
 SSN: 000-00-0000
 Driver License: uto
 Local Resident: Yes

DOB: 06/17/1963
 Gender: Female
 Age: 53 Years (Approx.)
 Weight: 142 lbs, (Approx.) **Broselow:**

Other Contact Info

Name: Phone: Cell Phone:
 Relationship:

Current Meds: Comments:
 Env Allergies: Comments:
 Med Allergies: Comments:
 Patient Physician:
 Advanced Directives:
 PMH:
 Comment:

Payer Information:

--

Clinical:

Onset Date/Time: 07/12/16 10:08:33
 Dispatch Reason (EMD): 36 36 - Carbon Monoxide

Medical Need:

Provider Impression: Carbon Mon. Poisoning
 Mechanism of Injury:
 Protocol 1:

Protocol 2:

Tebaldi, Emanuel [6/17/1963] ED0301
 MRN : 1689859
 Acct #: 4604458652

Assessments:

Time	Employee	Type	Summary
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Vitals:

07/12/16 11:48

Confidential PHI - © 2000-2016 Physio-Control - Health EMS®
 07/12/2016 Call# 2016156185 BK, 10476393 - 1 of 3

PCR 4 of 4

Exhibit
C

Time	Employee	Summary
10:47:11		BP: 102/65 Pulse: 120

10:48:54		BP: 121/77 Pulse: 107 CO2: 33
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10:50:29		BP: 107/61 Pulse: 119 CO2: 33
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10:55:44		CO2: 33
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Treatments/Medications:

Time	Employee	Summary
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10:27:00	Zamora, Dustin	Treatment- Blood Glucose Success: Yes Response: Unchanged Authorization: Yes Authorization Type: On-Line Level: ALS1 Comments: by en 27
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10:27:01	Zamora, Dustin	Treatment- LifePak (4 Lead ECG) Success: N/A Level: ALS1
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10:29:52	Corral, Cesar	Treatment- IV Insertion Success: Yes Authorization: Yes Level: ALS1
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11:01:11	Zamora, Dustin	Treatment- Airway (NRB) Success: Yes Level: ALS1
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Supply

Qty Supply

EKG Device Incident Number:**Narrative History Text:**

RE 43 ARRIVED AT THE SCENE OF CO POISONING. EN 27 WAS ON SCENE AND HAD STARTED PT EVALUATION. THERE WERE TWO PTS ON SCENE. BOTH WERE NON RESPONSIVE. HOUSE SMELLED OF CO AND CAR WAS RUNNING IN THE GARAGE AT A LOWER LEVEL. EMS PLACED PT ON HIGH FLOW O2, EMS STARTED 4-LEAD. PT WAS BREATHING 23 BPM AND WAS RESPONSIVE TO PAIN. EMS PERFORMED IV AND MONITORED PT EN ROUTE. PT REMAINED NONRESPONSIVE EN ROUTE TO HOSPITAL AND PT ARRIVED SAFELY. PT CARE WAS TRANSFERRED TO ED STAFF.

Unable to Sign:

Unable to Sign Reason: Other - See documentation

Authorized Representative:

Authorized Representative Signature: No

Secondary Documentation:

Secondary Documentation Signature: No

Comment:

pt. unc. due co poisoning.

Yebaldi, Emanuel (6/17/1963) ED0301
MRN : 1689959
Acc1 #: 4604458652

Auth Signature: No Privacy Sig: No Unable to Sign: Yes Refused to Sign: No

Signature Image(s):

Authorization Signature

Privacy Notice Signature

07/12/16 11:38

Confidential PHI - © 2000-2018 Physio-Control - Heart EMS®
07/12/2016 Call# 2016156185 BK: 10476393 - 2 of 3

PGF 4 of 4

Receiving RN / MD Signature - amy s - 07/12/2016 11:17

ae

Technician Signature - 07/12/2016 10:56

T3

Technician 2 Signature - 07/12/2016 10:56

cc

Recommended Service Level: ALS1 / Dispatch Service Level: BLS

Tebaldi, Emanuel [6/17/1963] ED0301
MRN : 1689959
Acct #: 4604458652

07/12/16 11:48

Confidential PII - © 2000-2016 Physio-Control - HealthEMSA
07/12/2016 Call# 2016156125 BK: 10476393 - 3 of 3

PCR 4 of 4

ED Provider Notes (continued)**ED Provider Notes by Crowley, Samuel Richard, MD at 07/12/16 1111 (continued)**

These images demonstrate no region of abnormal density within the brain. The ventricles are normal in size and position. There is no evidence of acute intracranial hemorrhage or extra-axial fluid collection. The sinuses and mastoids are normally aerated.

Medications Given in ED:**ED Medication Administration from 07/12/2016 1104 to 07/12/2016 1216**

Date/Time	Order	Dose	Route	Action
07/12/2016 1116	etomidate (AMIDATE) solution	20 mg	INTR AVEN OUS	Given
07/12/2016 1117	succinylcholine (ANECTINE) solution	100 mg	INTR AVEN OUS	Given
07/12/2016 1139	NORMAL SALINE 1,000 mL		IV BOLUS	New Bag/Vial
07/12/2016 1155	midazolam (VERSED) solution	2 mg	INTR AVEN OUS	Given
07/12/2016 1145	NORMAL SALINE solution			Due

Filed Vitals:

	07/12/16 1115	07/12/16 1127	07/12/16 1131	07/12/16 1200
BP:	97/56	100/56	99/56	107/64
Pulse:	105	107		95
Temp:		97.7 °F (36.5 °C)		
TempSrc:		Temporal Artery		
Resp:	19	17	16	
Weight:				
SpO2:	98%	100%	99%	

Rechecks/ED Course/Consults:

11:17 AM BP 97/56 HR 107 osat 99

11:19 AM Dr. Hultz (pulmonology) at bed side.

11:36 AM BP 96/75 HR 108.

12:00 PM Per social worker, she has spoken to the pt's family who states that the pt flew in from London to visit family, states that her and her husband were driving a Tesla, they parked it in the garage and thought it would turn off by itself but it didn't.

12:03 PM Spoke with the patient flow coordinator who will admit to Dr. Dominguez (MDOC).

TEXAS HEALTH DALLAS**TEBALDI, EMANUELA****MRN: 1689959****Acct #: 4604458652****Admit Date: 7/12/2016****Printed by NGUANHL at 8/11/16 12:20 PM**

ED Provider Notes (continued)

ED Provider Notes by Crowley, Samuel Richard, MD at 07/12/16 1111 (continued)

12:08 PM Updated the pt's family. The pt's family states that her husband has been driving a Tesla, the car which was found in the garage was a regular car which he parked in the garage last night, forgot to turn off and left to go to Washington. Family states that she found the car this morning very hot but off and it wouldn't turn on so she took a cab to got to Obama's conference and realized on the way that the car could have been on all night and that she had guests above the garage so she called the maid to check on the pt and her brother in law who were found in their beds unconscious.

12:24 PM Spoke to the hyperbarics nurse, hyperbaric staff aware of pt, awaiting to discuss with D. Pompeo.

Critical Care:

Unstable/Abnormal Vital Signs, Life Threatening Conditions, Multiple evaluations, Multiple conditions, Time in Critical care of Patient (exclusive of separately billed procedures) 99291 1st 30-74 minutes

ED Disposition

Admit The condition of the patient at this time is stable.

There are no discharge medications for this patient.

Encounter Diagnoses

Name

Carbon monoxide poisoning from motor vehicle exhaust, accidental or unintentional, initial encounter (primary encounter diagnosis)

I, Alina Warner, am scribing for, and in the presence of, Crowley, Samuel Richard, MD on 07/12/2016, 11:11 AM. Electronically signed by Alina Warner on 07/12/2016, 11:11 AM.

Documentation assistance provided for Samuel Richard Crowley, by the following scribe(s) Alina Warner. Information recorded by the Scribe was done at my direction and has been reviewed and validated by me on 07/12/2016, 12:59 PM. Electronically signed by Samuel Richard Crowley on 07/12/2016, 12:59 PM.

Scribe Alina Warner

Dr. Sam Crowley

Physician Number: 308

ED Notes

ED Notes by Somers, Amy B, RN at 07/12/16 1122

Author: Somers, Amy B, RN

Filed: 07/12/16 1124

Editor: Somers, Amy B, RN (Registered Nurse)

Specialty: Emergency Medicine

Note Time: 07/12/16 1122

Author Type: Registered Nurse

Status: Signed

1104 pt arrives to the ED via EMS, unresponsive. Pt was found by the maid in an garage apartment. Car was running in the garage. Pt was found in a twin bed upstairs. Pt drooling. Pt responds to pain. Pt does not open her eyes, pt does not move extremities. EMS dstick 108. Pupils 4mm, equal, sluggish. Diminished breath sounds

1108 Pt placed on NRB

1109 nancy, RN suctioned pt. No response

TEXAS HEALTH DALLAS

TEBALDI, EMANUELA

MRN: 1689959

Acct #: 4604458652

Admit Date: 7/12/2016

Printed by NGUANHL at 8/11/16 12:20 PM

Exhibit

E

H&P (continued)

H&P by Dominguez, Manuel, MD at 07/12/16 1214 (continued)

Past History:

History of present illness: Patient is a fifty-three-year old woman with unknown past medical history. Information is limited at present and obtained from ICU attending physician and family member. Reportedly, patient was found unresponsive at home this AM. Family member suspects that car engine was kept running all night.

Patient was brought to ED for concern of carbon monoxide poisoning. En route to ED, she was responsive to noxious stimuli and was placed on supplemental oxygen, according to records. In ED, patient underwent endotracheal intubation and was placed on mechanical ventilation.

No past medical history on file.

No past surgical history on file.

No family history on file.

History

Substance Use Topics

- Smoking status: Not on file
- Smokeless tobacco: Not on file
- Alcohol Use: Not on file

No Known Allergies

Prior to Admission Medications

Not on File

Review of Systems: Unable to obtain - patient intubated and on mechanical ventilation

Physical Exam:

Temp: 97.7 °F Pulse: 95 Resp: 16 BP: 107/64 mmHg SpO2: 99 % Weight: 68.856 kg (151 lb 12.8 oz)

There is no height on file to calculate BMI.

General:

Patient is stable but critically ill and on mechanical ventilation

Neuro:

Patient withdraws to noxious stimuli

HEENT:

Pupils are dilated. Patient withdraws to pain.

Cardiovascular:

Patient has normal PMI, no lift, no heave, no thrill, no murmurs, clicks, rubs, or gallops. Regular rate and rhythm. No edema or varicosities.

Respiratory:

ET tube in place. Patient has normal respiratory rate and rhythm. Lungs are clear to auscultation anteriorly.

Abdomen:

Patient has a normal abdominal exam. Abdomen is soft, non-tender, with no masses palpable. Normal to percussion. No palpable or incisional or umbilical hernias.

Musculoskeletal:

No clubbing, or edema noted.

Lab Results: Reviewed

Imaging:

1. CXR Single View (7/12/16):

-Minimal right lower lobe atelectasis.

-Endotracheal tube and nasogastric tube are in good position

TEXAS HEALTH DALLAS

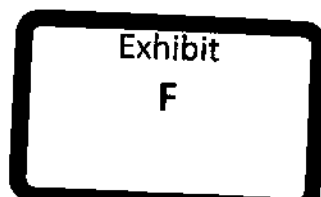
TEBALDI, EMANUELA

MRN: 1689959

Acct #: 4604458652

Admit Date: 7/12/2016

Printed by NGUANHL at 8/11/16 12:20 PM



H&P (continued)

H&P by Dominguez, Manuel, MD at 07/12/16 1214 (continued)

2. CT Head Without IV Contrast (7/12/16):

-Normal head CT

Assessment:

Patient is a fifty-three-year old woman with unknown past medical history here after being found unresponsive at home.

Problem List:

1. Change in Mental Status: Manifested by lethargy and non responsiveness, according to history, and occurring in the setting of suspected carbon monoxide poisoning. Plasma carboxyhemoglobin level measured at ~16% (11:40). UDS negative. Plasma acetaminophen, salicylate and ethanol undetectable
2. Elevated Troponin: Measured at 0.48 ng/mL and occurring in the setting of suspected CO poisoning
3. Leukocytosis: Likely reactive in the setting of CO poisoning. Patient afebrile.

Plan:

1. Admit to ICU - assistance by Critical Care Service is appreciated
2. Mechanical ventilation per ICU Service
3. Consult Hyperbaric Service
4. Trend plasma carboxyhemoglobin
5. Telemetry
6. Trend cardiac enzymes
7. Check TSH

Manuel Dominguez, MD 7/12/2016 12:14

Consults

Consults by Holtz, Anita G., MD at 07/12/16 1500

Author: Holtz, Anita G., MD

Filed: 07/12/16 1517

Editor: Holtz, Anita G., MD (Physician)

Specialty: Internal Medicine / Pulmonary Disease.

Note Time: 07/12/16 1500

Author Type: Physician

Status: Signed

Critical Care Consult Note

Patient Name: Emanuela Tebaldi

Medical Record No.: 1689959

Date of Birth: 6/17/1963

Age/Sex: 53 y.o. female

Today's Date: 7/12/2016

Date of Admission: 7/12/2016

Location: H337/H33701

Attending Physician: Dominguez, Manuel, MD

Reason for Consult: Acute resp failure, acute encephalopathy

History of present illness: 53 yo F pmh of hypothyroidism who traveled to the US from London recently. She went to dinner with her hosts and unfortunately was staying in a guest suite above the garage, where the gas ignition vehicle was left running overnight. She was found down by a maid and unresponsive. She was last normal around 10pm the evening prior. She was brought to the ER by EMS and intubated prior to my arrival, discovered to have elevated COHg. Prior to intubation withdrew from noxious stimuli only.

Past History:

PMH: hypothyroidism

TEXAS HEALTH DALLAS

TEBALDI, EMANUELA

MRN: 1689959

Acct #: 4604458652

Admit Date: 7/12/2016

Printed by NGUANHL at 8/11/16 12:20 PM

Consults (continued)

Consults signed by Shah, Samir Hasmukh, MD at 07/13/16 0644 (continued)

to exclude nonconvulsive seizure activity. We will review the literature about any other measures that should be taken.

SAMIR HASMUKH SHAH, MD

SHS/MODL

D: 07/12/2016 14:58:10

T: 07/12/2016 15:25:02

Job #: 019289/705875058

Consults by Sule, Sandeep Dileep, MD at 07/15/16 1658

Author: Sule, Sandeep Dileep, MD

Filed: 07/15/16 1659

Editor: Sule, Sandeep Dileep, MD (Physician)

Specialty: Otolaryngology.

Note Time: 07/15/16 1658

Author Type: Physician

Status: Signed

General History and Physical

Name: Emanuela Tebaldi

MR#: 1689959

Room #: ED03/ED0301

Admit Date: 7/12/2016

Acct #: 4604458652

Date: 7/12/2016 12:14

DOB: 6/17/1963

Age/Sex: 53 y.o. female

Admitting: Manuel Dominguez, MD

Chief Complaint: Found unresponsive

Past History:

History of present illness: Patient is a fifty-three-year old woman with unknown past medical history. Information is limited at present and obtained from ICU attending physician and family member. Reportedly, patient was found unresponsive at home this AM. Family member suspects that car engine was kept running all night.

Patient was brought to ED for concern of carbon monoxide poisoning. En route to ED, she was responsive to noxious stimuli and was placed on supplemental oxygen, according to records. In ED, patient underwent endotracheal intubation and was placed on mechanical ventilation.

Past Medical History

No past medical history on file.

Past Surgical History

No past surgical history on file.

Family History

No family history on file.

History

TEXAS HEALTH DALLAS

TEBALDI,EMANUELA

MRN: 1689959

Acct #: 4604458652

Admit Date: 7/12/2016

Printed by NGUANHL at 8/11/16 12:20 PM

Exhibit

H

CAUSE NO. _____

EMANUELA TEBALDI,
ZAC IMAM, ISABELLA IMAM,
and ANASTASIA IMAM,
Plaintiffs,

VS.

STEVEN WOLENS and
LAURA MILLER,
Defendants.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO DEFENDANT LAURA MILLER

TO: Defendant, Laura Miller, served with Plaintiffs' Original Petition.

The following Interrogatories are served upon you in accordance with the Texas Rules of Civil Procedure, to be answered and responded to separately, fully, in writing and under oath within fifty (50) days following service and shall be given to the undersigned attorney of record.

You are further charged with a duty to supplement your answers and responses if you later obtain information which provides a basis upon which:

- a. you know any answer or response was incorrect when made; or
- b. you know, though correct when made, any previously provided answer or response is no longer true or accurate, and the circumstances are such that a failure to amend is, in substance, a knowing concealment.

Respectfully submitted,

THE LAW FIRM OF ALTON C. TODD



Alton C. Todd
State Bar No. 20092000
312 S. Friendswood Drive
Friendswood, Texas 77546

Phone: 281-992-8633

Fax: 281-648-8633

alton@actlaw.com

ATTORNEY FOR PLAINTIFFS

PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT LAURA MILLER

1. Please provide your full legal name, driver's license number and date of birth. If you have been known by any other name, please state.

RESPONSE:

2. Provide the name and contact information for the last person who parked a vehicle in the garage at 5335 S. Dentwood Dr., Dallas, Texas 75220, on July 11, 2016, under the room where Emanuela Tebaldi was sleeping.

RESPONSE:

3. If Plaintiff Emanuela Tebaldi stayed at your home prior to the date of the incident in question, state how many visits Ms. Tebaldi made to your home, and please provide the dates that Ms. Tebaldi was a guest in your home.

RESPONSE:

4. If you have answered Request for Admissions 1 through 35 in any other manner than "Admitted" then please state the following:
 - a. The factual basis for your response;
 - b. The name, address and phone number of each person who provided facts to you upon which you relied for your response; and
 - c. Identify each document by date, general description and who the author is upon which you relied in whole or part for your response.

RESPONSE:

5. Provide the names, last known addresses and telephone numbers for all individuals who provided maintenance and repair to your home located at 5335 S. Dentwood Dr., Dallas, Texas 75220, from July 11, 2015 to the current date. Include the jobs or duties that each was responsible for or completed on the property, regardless whether they are currently employed in that capacity or not.

RESPONSE:

6. Please state the name, address and telephone number of all housekeepers and groundskeepers who worked on July 11, 2016 and July 12, 2016 at your home located at 5335 S. Dentwood Dr., Dallas, Texas 75220.

RESPONSE:

7. Please provide the names, addresses and telephone numbers of the closest neighbor to your left and right, and how long each has resided at the addresses listed by you.

RESPONSE:

8. Please state the name, address and phone number of each person you spoke to on July 12, 2016 about the event made the basis of this suit including but not limited to Dallas Fire Rescue, Dallas Police Department , your maid, Presbyterian Hospital, any auto repair facility including in your answer the approximate time you spoke to them , the general substance of the conversation.

RESPONSE:

9. What was done with the vehicle that was in the garage on July 11 and July 12, 2016 and believed to be the source of the CO including but not limited to where it was taken, when it was taken, the reason it was taken and what was done to it and why it was taken.

RESPONSE:

10. Have you spoken to Plaintiff Emanuela Tebaldi or any of her family members since Plaintiff Tebaldi was found unconscious in your home on the date of the incident made the basis of this lawsuit? If so, what was the general substance of your conversation and who was the conversation held with and when?

RESPONSE:

11. Who last drove the vehicle that was left running in the garage? Identify the vehicle in question with VIN, make, year and model, and the driver by name, address and phone number, as well as the time the driver parked the vehicle in question.

RESPONSE:

CAUSE NO. _____

EMANUELA TEBALDI,
ZAC IMAM, ISABELLA IMAM,
and ANASTASIA IMAM,
Plaintiffs,

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

VS.

STEVEN WOLENS and
LAURA MILLER,
Defendants.

____ JUDICIAL DISTRICT

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION
TO DEFENDANT LAURA MILLER**

TO: Defendant, Laura Miller, served with Plaintiffs' Original Petition.

The following Requests for Production are served upon you in accordance with the Texas Rules of Civil Procedure, to be answered and responded to separately, fully, in writing and under oath within fifty (50) days following service and shall be given to the undersigned attorney of record.

You are further charged with a duty to supplement your answers and responses if you later obtain information which provides a basis upon which:

- a. you know any answer or response was incorrect when made; or
- b. you know, though correct when made, any previously provided answer or response is no longer true or accurate, and the circumstances are such that a failure to amend is, in substance, a knowing concealment.

Respectfully submitted,

THE LAW FIRM OF ALTON C. TODD



Alton C. Todd
State Bar No. 20092000
312 S. Friendswood Drive

Friendswood, Texas 77546

Phone: 281-992-8633

Fax: 281-648-8633

alton@actlaw.com

ATTORNEY FOR PLAINTIFFS

PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION
TO DEFENDANT, LAURA MILLER

1. Please produce your cellular phone records from July 11, 2016 at 12:00 a.m. to July 15, 2016 at 11:59 p.m. In lieu thereof, please sign the attached cellular phone records authorization for Plaintiffs to obtain the requested records.

RESPONSE:

2. If you took a car service or cab on the morning of July 12, 2016 when you left your home located at 5335 S. Dentwood Dr., Dallas, Texas, provide any proof or receipts of payment and/or invoices for the person who provided you with transportation.

RESPONSE:

3. Produce any email or text messages from you or to you to that relate to the incident made the basis of this lawsuit from the time of the incident to the present. This request does not seek attorney/client privileged information.

RESPONSE:

4. If you provided statements to anyone or obtained statements from anyone in relation to any matter related to the incident made the basis of this lawsuit, please produce an unaltered copy of those statements.

RESPONSE:

5. Produce any and all documents for all carbon monoxide detectors that were installed at the time of the incident in question, in or around the room above the garage where Plaintiff Tebaldi was sleeping, and for any installed in and around the garage in question. This request includes manuals, and installation and maintenance documents.

RESPONSE:

6. In connection with the carbon monoxide detectors identified in Request No. 5 above, please provide any invoices or receipts for the person(s) who installed each, and the date of the installation(s).

RESPONSE:

7. Produce a copy or electronic copy of the any house design plans, surveys, plans, measurements, improvements, billings, installation documents or invoices, construction invoices or receipts, photos, permits, and material specifications for your home located at 5335 S. Dentwood Dr., Dallas, Texas.

RESPONSE:

8. Please produce the originals (or reproductions or duplicates thereof) of any and all videotapes, slides, or motion pictures (movies) which pertain to any issue in this lawsuit. This request includes, without limitation, all videotapes, slides or movies which purport to show the scene of the occurrence in question, all surveillance taken of the Plaintiff and all videotapes, slides or movies taken by or at the request of any testifying expert(s) designated by you, or relied upon by such expert(s).

RESPONSE:

9. A complete copy of all documents, of whatever character or description, which were generated by you, your agents, employees or representatives in the course of investigating the facts of the occurrence made the basis of this suit or Plaintiff's damages before you had an objective, outward and articulable reason to believe this litigation was anticipated. *See National Tank Company v. Brotherton, 852 S.W.2d 193 (Tex. 1993).*

RESPONSE:

10. All of Plaintiff, Emanuela Tebaldi's medical records obtained by Defendant at any time prior to this incident or after, or obtained through a signed authorization provided by Plaintiff Emanuela Tebaldi.

RESPONSE:

11. A complete copy of all witness statements taken or obtained before the date on which this lawsuit was filed against you. If such statements were mechanically recorded, then request is hereby made for the original (or duplicate copies) of all such tapes or other means of recording.

RESPONSE:

12. If you have objected to the preceding request for production on the grounds that one or more of such statements or recordings were taken or obtained after the date on which you first had an objective, outward and articulable reason to believe this litigation was anticipated, then please produce those witness statements and/or recordings which were taken or obtained before you had good cause to anticipate that this litigation was anticipated. *See National Tank Company v. Brotherton, 852 S.W.2d 193 (Tex. 1993).*

RESPONSE:

13. A complete copy of any settlement agreements made with anyone in connection with the incident made the basis of this lawsuit.

RESPONSE:

AUTHORIZATION FOR CELLULAR PHONE RECORDS

TO WHOM IT MAY CONCERN:

This will authorize any cellular phone service provider, including any subcontractors, franchises, or independent agents, who have provided me with cell service or a cellular phone product to produce any and all records for the time period _____ to THE LAW FIRM OF ALTON C. TODD, 312 S. Friendswood Drive, Friendswood, Texas 77546. This authorization extends to all cellular service agreements or contracts for service, computerized account records, billing records, repair and service records, call logs, monthly billing statements, and records canceling service by either the provider or the customer. The purpose of this release is to provide cellular phone information and records in connection with pending litigation.

A copy of this authorization shall have the same force and effect as the original. I further agree to allow use of this authorization during the entire pendency of this suit.

Date of Birth _____

Other names used: _____

Billing Address: _____

Mailing Address: _____
(if different from above)

Texas Driver's License No.: _____

Name on Cellular Account: _____

Cell Phone Numbers: _____

Cell Phone Carrier: _____

Signed this _____ day of _____, 20____.

Signature