

Chad Read was unarmed. He had no history of violence. He had never physically harmed his ex-wife Christina. Chad Read and his ex-wife Christina were simply arguing, like they had done many times before.

But, this time was different. This time Kyle Carruth interjected himself into the familial argument. He unnecessarily brought a gun. Kyle Carruth needlessly escalated the situation. Chad Read only approached Carruth aggressively after Carruth fired a weapon in Chad's direction. Even after the two men briefly struggled, Chad Read was no longer within arm's distance of Carruth when the killing shot was fired.

Defendant William Kyle Carruth killed Chad Wayne Read. Carruth was not "standing his ground"; he was not acting in "self-defense." Carruth¹ had played out this situation in his mind; he has talked about what he would do to Chad when speaking with others. Kyle Carruth was the aggressor, who needlessly escalated an otherwise nonviolent situation, leading to the wrongful death of Chad Wayne Read.

Shockingly, Carruth has not been arrested. No grand jury has been convened. The Lubbock District Attorney has recused. And, no criminal proceedings have been initiated. Plaintiff Jennifer Marie Read brings this case seeking justice for her husband, Chad Read.

Every Texan has the right to defend themselves and their property—no one, however, has the right to interject themselves into someone else's conversation, return and bring a gun to an otherwise nonviolent argument, escalate the argument to violence, creating a violent situation, and then shoot and kill an unarmed man.

¹ Kyle Carruth and Christina Read were co-workers. They also were involved in an ongoing affair with one another.

**II.
PARTIES**

Plaintiff **Jennifer Marie Read** is an individual residing in Lubbock County, Texas. She is the surviving spouse of Chad Read. She brings this lawsuit for wrongful death.

Defendant **William Kyle Carruth** is an individual residing in Lubbock County, Texas. He is sued in his individual capacity and as owner of WC Land Services, his assumed business name. Mr. Carruth may be served at his residence at 5513 County Road 6150, Lubbock, Texas 79415 or wherever he may be found.

Defendant **Vitruvian Development, LLC** is a limited liability company based in Lubbock, Texas. This Defendant may be served through its registered agent William Kyle Carruth at 4605 9th Street, Lubbock, Texas 79416 or wherever he may be found.

**III.
DISCOVERY CONTROL PLAN**

This case is intended to be governed by Discovery Level 2.

**III.
CLAIM FOR RELIEF**

The damages sought are within the jurisdictional limits of this court. Plaintiff currently seeks monetary relief in excess of \$1,000,000, including damages of any kind, penalty, costs, expenses, punitive damages, pre-judgment interest, and attorney's fees.

**IV.
JURISDICTION AND VENUE**

This Court has subject matter jurisdiction over this cause of action because it involves an amount in excess of the minimum jurisdictional limits of this Court. This case is not removable pursuant to 28 U.S.C. 1441(b).

This Court has personal jurisdiction over Defendant because he is a Texas resident.

Venue is proper in Lubbock County, Texas, under TEX. CIV. PRAC. & REM. CODE §§ 15.002(a)(1) and (a)(2) because all of the events or omissions giving rise to the claim occurred in Lubbock County, Texas and Defendant resides in Lubbock County, Texas.

**V.
CAUSES OF ACTION**

A. Negligence/Gross Negligence

Plaintiff incorporates the above paragraphs as if set forth in full below.

Defendants owed Chad Read a reasonable duty of care to act as a reasonably prudent person would act under the circumstances. On the occasion in question, Defendants breached their duty of care owed to Chad Read, which collectively and severally constituted negligence and gross negligence. Defendants' imprudent acts included, but were not limited to:

- Shooting at Chad Read even though no physical threat to life or property existed at the time;
- Using a gun even though no physical threat to life or property existed at the time;
- Discharging a firearm in the presence of others;
- Discharging a firearm to intimidate and threaten an individual even though no physical threat to life or property existed at the time;
- Starting an unnecessary verbal and physical confrontation with Chad Read;
- Interjecting himself into matters that did not concern him;
- Failing to de-escalate the situation when he had an opportunity to do so and after he had escalated the situation;
- Interjecting himself into a verbal and non-threatening dispute that did not involve him;
- Threatening Chad Read with bodily harm even though no physical threat to life or property existed at the time;
- Brandishing a firearm even though no physical threat to life or property existed at the time;
- Threatening to kill or cause serious bodily harm to Chad Read before the Occurrence in question;

- Engaging in an extra-marital affair with Christina Read that resulted in ill will towards Chad Read;
- Lying that he shot Chad Read in self-defense when such is false;
- Attempting to cover up his crimes after-the-fact;
- Engaging in the aforementioned conduct while working for his business and while acting in a professional capacity;
- Contributing to the events described herein that contributed to Chad Read's death.

Said acts of negligence and gross negligence were the proximate cause of Chad Read's injuries and death. Defendants' actions were knowing, reckless, willfully indifferent or malicious. Plaintiff thus seeks punitive damages. Because the conduct referenced constitutes a felony, there is no cap on the punitive damages.

B. Civil Assault

Plaintiff incorporates the above paragraphs as if set forth in full below.

Defendants committed civil assault on Chad Read. Specifically, Defendants intentionally or knowingly caused physical contact with Chad Read when Defendants knew, or should have reasonably known, that Chad Read would regard such contact as offensive. As a proximate cause of the assault, Plaintiff has suffered damages as described herein.

Plaintiff's harm also arises as a result of conduct that violates several sections of the Texas Penal Code, including:

- (1) Section 22.07, Texas Penal Code (terroristic threat);
- (2) Section 19.02, Texas Penal Code (murder);
- (3) Section 19.03(a)(2), Texas Penal Code (capital murder);
- (4) Section 19.04, Texas Penal Code (manslaughter); and
- (5) Section 19.05, Texas Penal Code (criminally negligent homicide).

In addition to actual damages, Plaintiff seeks punitive damages, and such damages are not subject to capping.

C. Intentional Infliction of Emotional Distress

Plaintiff incorporates the above paragraphs as if set forth in full below.

Defendants engaged in conduct that is extreme and outrageous so as to exceed the bounds of decency in a civilized society, namely, he caused Chad Read and Plaintiff to experience mental suffering by shooting and killing Chad Read in the presence of Plaintiff as described herein.

Defendants engaged in this conduct intentionally, knowingly, and willfully.

Defendants' conduct proximately caused injury to Plaintiff and Chad Read. Plaintiff and Chad Read, therefore, have sustained and/or will sustain pain and suffering and psychological and emotional distress, mental anguish, embarrassment and humiliation.

Accordingly, Plaintiff and Chad Read are entitled to recover against Defendants for the damages proximately caused by Defendants' conduct in an amount to be determined at trial.

Furthermore, because Plaintiff and Chad Read's harm arises as a result of conduct that violates several sections of the Texas Penal Code, including:

- (1) Section 22.07, Texas Penal Code (terroristic threat);
- (2) Section 19.02, Texas Penal Code (murder);
- (3) Section 19.03(a)(2), Texas Penal Code (capital murder);
- (4) Section 19.04, Texas Penal Code (manslaughter); and
- (5) Section 19.05, Texas Penal Code (criminally negligent homicide).

In addition to actual damages, Plaintiff seeks punitive damages, and such damages are not subject to capping.

D. Negligence Per Se

Defendants' conduct was negligent per se because of a breach of duty imposed by statute. This breach caused Chad Read's death. Specifically, there was a breach of duties imposed by statutes and state law as follows:

- (1) Section 22.07, Texas Penal Code (terroristic threat);
- (2) Section 19.02, Texas Penal Code (murder);
- (3) Section 19.03(a)(2), Texas Penal Code (capital murder);
- (4) Section 19.04, Texas Penal Code (manslaughter); and
- (5) Section 19.05, Texas Penal Code (criminally negligent homicide).

Chad Read is within the class of individuals intended to be protected by the statute. These statutes are ones for which tort liability may be imposed. Defendants' breach of the statutory duties proximately caused Plaintiff and her husband's estate injuries.

VI. DAMAGES

This action is brought pursuant to §§ 71.001-71.012 of the Texas Civil Practice and Remedies Code. Plaintiff brings an action for the wrongful death of Chad Read. Plaintiff, under the wrongful death statute, is entitled to recover damages for:

1. Pecuniary Loss: Pecuniary loss resulting from the death of Chad Read, including, but not limited to, the loss of advice and counsel, care, maintenance, support, services, and earning capacity, as well as the reasonable contributions of pecuniary value that Plaintiff or any heirs would in reasonable probability have received from Chad Read had he lived.
2. Conscious Mental Anguish and Suffering: Mental anguish suffered as a result of the death of Chad Read, including, but not limited to, the emotional pain, torment, and suffering that Plaintiff or Decedent's heirs would in reasonable probability, experience from the death of a family member.
3. Loss of Companionship and Society: Loss resulting from Chad Read's death, including, but not limited to, love, companionship, comfort, and society that Plaintiff and Decedent's heirs would in reasonable probability had experienced if Chad Read had lived;

4. Loss of Inheritance: The earnings, if any, of Chad Read, in excess of the amount he would have used for the support of himself and his family, and in which reasonable probability would have been added to his estate and left to Plaintiff or Decedent's heirs at his natural death had he lived.
5. Medical and Death Expenses: Actual damages, including, but not limited to, medical expenses, death expenses, pre-death pain and suffering, and funeral expenses caused by Defendants' conduct.

The damages sought herein are the direct and/or proximate result of the foregoing events, and Plaintiff or Decedent's heirs have suffered damages in the past and, in reasonable probability, will continue to suffer damages in the future, all for which Plaintiff seeks recovery herein. Plaintiff seeks all wrongful death damages and survival damages allowed by Texas law. Because the conduct of Defendant is the type that involve egregiousness, malice, and proceeding in the face of a known risk without regard for Chad Read's well-being, Plaintiff also seeks punitive damages, costs, pre-judgment and post-judgment interest.

**VII.
JURY TRIAL DEMAND**

Plaintiff demanded a jury trial and tendered the appropriate fee.

**VIII.
CONDITIONS PRECEDENT**

All conditions precedent to Plaintiff's right to recover have been fully performed, or have been waived by Defendants.

**IX.
PRAYER**

For all of the aforementioned reasons, Plaintiff prays for judgment against Defendants in the amount of one hundred million dollars (\$50,000,000) for actual damages for pecuniary losses, mental anguish, loss of companionship and society, loss of inheritance, physical and mental pain and suffering, mental anguish, medical expenses, and funeral expenses, exemplary damages, pre-

and post-judgment interest as allowed by law, all costs of Court; and all such other and further relief, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

THE BUZBEE LAW FIRM

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