

CAUSE NO. \_\_\_\_\_

UJJAL BHATTACHARJEE

Plaintiff,

VS.

E. CRUZ LAZO TRUCKING

Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND  
TEMPORARY INJUNCTION AGAINST DEFENDANT E. CRUZ LAZO TRUCKING**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, UJJAL BHATTACHARJEE, Plaintiff herein, and files this his Application for Temporary Restraining Order and Temporary Injunction against Defendant E. CRUZ LAZO TRUCKING and for cause(s) of action would respectfully show this Honorable Court as follows:

**I.  
FACTS**

1. This case arises from a deadly collision at the intersection of Main Street and Sunset Boulevard on April 24, 2018. Plaintiff's now late-wife, Sudipta Roy, was riding her bicycle on Sunset Boulevard in Houston, Texas when she was struck and killed by a dump truck owned by E. CRUZ LAZO TRUCKING. At all times relevant to the incident, Defendant E. CRUZ LAZO TRUCKING controlled and continues to control the dump truck involved in this fatality crash.

**II.  
APPLICATION FOR TEMPORARY RESTRAINING ORDER AND  
APPLICATION TO ENTER PREMISES TO INSPECT, FILM AND PHOTOGRAPH**

2. Without Plaintiff's requested relief, the dump truck involved in the death of Mrs. Roy will not be in the same or similar condition as when Mrs. Roy was killed unless this court enters a Temporary Restraining Order ("TRO") restraining Defendant E. CRUZ LAZO TRUCKING from changing, altering or destroying any tangible evidence related to the subject

incident, specifically including but not limited to the “black box” event data recorder in use on April 24, 2018, the subject dump truck, engine control module, download/data, documents, photographs, videos, maintenance records, cell phone records, dispatch records, trip logs, e-mails, driver’s cell phone, and any other evidence reasonably related to the April 24, 2018 crash, as well as moving, removing or altering, any and all tangible evidence and/or equipment.

3. Upon information and belief, Defendant E. CRUZ LAZO TRUCKING could continue using the dump truck in their ordinary course of business, thereby destroying material evidence. Therefore, Plaintiff asks the Court to restrain Defendant E. CRUZ LAZO TRUCKING from putting the subject dump truck back in service until such time Plaintiff’s counsel and experts are allowed to enter and inspect the subject dump truck and the requested evidence is produced and secured.

4. In order for Plaintiff to properly investigate and pursue their claims and recover their damages and see that justice is done, the Court should restrain Defendant E. CRUZ LAZO TRUCKING their agents, corporate parents, servants, employees, contractors, independent contractors, and the like including those acting in concert with the foregoing Defendant E. CRUZ LAZO TRUCKING from changing, altering, destroying and/or moving evidence of any kind.

**III.**  
**REQUEST FOR TEMPORARY INJUNCTION**

5. Plaintiff asks the Court to set his application for temporary injunction for a hearing and, after the hearing, issue a temporary injunction against Defendant E. CRUZ LAZO TRUCKING. Plaintiff would suffer irreparable harm by the failure to preserve the vehicle in its current condition, evidence, and their contents due to the nature of occurrence that led to the death of Sudipta Roy on April 24, 2018. Specifically, the vehicle involved in the collision contains evidence necessary to be preserved, specifically the event data recorder and evidence of point of

impact, for Plaintiff to investigate his potential claims. Plaintiff will be irreparably injured if the dump truck is repaired or the event data recorder destroyed or modified. Due to the immediate timing and necessity of preserving the evidence from being destroyed or altered if the vehicle were to remain in use, this temporary restraining order should be granted without notice or delay.

**IV.**  
**NOTICE OF DEMAND FOR PRESERVATION**  
**OF ELECTRONICALLY STORED INFORMATION**

6. Plaintiff asks the Court to order Defendant E. CRUZ LAZO TRUCKING to preserve all documents, tangible things and electronically stored information potentially relevant to the issues in this cause, in accordance with specific notice provisions as if same was set for the herein for all purposes.

**V.**  
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff pray that this Honorable Court enter an order granting Plaintiff's Temporary Restraining Order and Temporary Injunction against Defendant E. CRUZ LAZO TRUCKING, and for such other and further relief, both general and special, at equity and in law, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

**KWOK DANIEL LTD., L.L.P.**

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**Robert S. Kwok**  
SBN: 00789430  
**Garrett W. Wilson**  
SBN: 24051536  
**J. Ryan Loya**  
SBN: 24086531  
9805 Katy Freeway, Suite 850  
Houston, Texas 77024  
Telephone: (713) 773-3380

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Facsimile: (713) 773-3960  
Email: [rkwok@kwoklaw.com](mailto:rkwok@kwoklaw.com)

**ATTORNEYS FOR PLAINTIFF**

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IN THE DISTRICT COURT OF

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\_\_\_\_\_ JUDICIAL DISTRICT

**VERIFICATION**

STATE OF TEXAS

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COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Robert S. Kwok, who being by me duly sworn, on his oath stated that he is one of the attorneys for Plaintiff, and that all facts stated in *Application for Temporary Restraining Order and Temporary Injunction* are true and correct and within his personal knowledge.

\_\_\_\_\_  
Robert S. Kwok

SUBSCRIBED AND SWORN TO before me on this 10<sup>th</sup> day of May, 2018, to certify which witness my hand and official seal.

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Melanie Peltier  
Notary Public, In and For the State of Texas

My Commission Expires on:



Certified Document Number: 79806999 - Page 5 of 5



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this May 7, 2018

Certified Document Number: 79806999 Total Pages: 5

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**