



County, Texas 78253. There is no known personal representative of the estate. Plaintiff is not requesting service of process of this Defendant until the personal representative is determined.

Defendant MIDNIGHT SWIM is a Texas business entity doing business as a bar in San Antonio, Bexar County, Texas. It is located at 2403 N. Saint Mary's Street, San Antonio, Texas. This Defendant is being made a party to this lawsuit pursuant to TRCP 28, Suits in Assumed Name, until such time as the true name of this Defendant can be determined. This Defendant can be served with process by serving Mr. Chad P. Carey at the following address: 102 E. Huisache Ave., San Antonio, Bexar County, Texas 78212, or wherever he may be found.

Defendant CHISME is a Texas business entity doing business as a bar in San Antonio, Bexar County, Texas. It is located at 2403 N. Saint Mary's Street, San Antonio, Texas. This Defendant is being made a party to this lawsuit pursuant to TRCP 28, Suits in Assumed Name, until such time as the true name of this Defendant can be determined. This Defendant can be served with process by serving Mr. Chad P. Carey at the following address: 102 E. Huisache Ave., San Antonio, Bexar County, Texas 78212, or wherever he may be found.

Defendant PAPER TIGER is a Texas business entity doing business as a bar in San Antonio, Bexar County, Texas. It is located at 2410 N. Saint Mary's Street, San Antonio, Texas. This Defendant is being made a party to this lawsuit pursuant to TRCP 28, Suits in Assumed Name, until such time as the true name of this Defendant can be determined. This Defendant can be served with process by serving Mr. Chad P. Carey at the following address: 102 E. Huisache Ave., San Antonio, Bexar County, Texas 78212, or wherever he may be found.

Defendant RUMBLE is a Texas business entity doing business as a bar in San Antonio, Bexar County, Texas. It is located at 2410 N. Saint Mary's Street, San Antonio, Texas. This Defendant is being made a party to this lawsuit pursuant to TRCP 28, Suits in Assumed Name, until such time as

the true name of this Defendant can be determined. This Defendant can be served with process by serving Mr. Chad P. Carey at the following address: 102 E. Huisache Ave., San Antonio, Bexar County, Texas 78212, or wherever he may be found.

III.

Plaintiff is a beneficiary entitled to bring this action pursuant to the Wrongful Death Statute, Section 71.001 et. seq. of the Texas Civil Practice Remedies Code. KOREE ALCOSER died intestate. No administration of his estate is pending at this time. Plaintiff is a rightful heir of KOREE ALCOSER, DECEASED. The name and relationship of the Plaintiff to KOREE ALCOSER, DECEASED, is as follows:

<u>NAME</u>	<u>RELATIONSHIP</u>
LAWRENCE ALCOSER	FATHER

IV.

Venue is proper pursuant to §15.002(a)(1) of the Texas Civil Practice and Remedies Code.

V.

On or about July 21, 2024, Defendant PARGAS was driving on the wrong side of Interstate Highway 37, in a 2015 Gray Ford F-150, at approximately 1:53 a.m., in San Antonio, Bexar County, Texas. He was traveling northbound in the southbound lanes. KOREE ALCOSER was the backseat passenger in a 2024 Black Ford Mustang traveling southbound near the 15600 block of Interstate Highway 37 South. The other occupants of the Ford Mustang vehicle included Bexar County Deputy Sheriff Meredith Portillo, who was driving, and Hailey Adams, who was the front seat passenger. Defendant PARGAS was extremely intoxicated as he drove his vehicle on the wrong side of the highway. Suddenly and without warning, Defendant PARGAS drove into the oncoming lane of travel on the highway, in which the Ford Mustang was properly traveling. Defendant PARGAS's vehicle collided head-on with the vehicle that KOREE ALCOSER was in. The collision was severe and

devastating. KOREE ALCOSER, Bexar County Deputy Sheriff Meredith Portillo, and Defendant Pargas all died as a result of the collision. Hailey Adams was severely injured. Earlier that evening and immediately prior to the collision, Defendant PARGAS and his family had been celebrating a birthday and bar hopping on the St. Mary's strip area on N. St Mary's St., drinking alcoholic beverages and becoming highly intoxicated at the premises of the Bar Defendants.

## VI.

At the time of this incident, Defendant PARGAS was guilty of negligence in the following respects and particulars, to-wit:

1. By failing to keep such a lookout as a person of ordinary care would have kept;
2. By driving while highly impaired and extremely intoxicated;
3. By driving at a greater rate of speed than a person using ordinary care would have driven;
4. By failing to make such application of the brakes as a person using ordinary care would have made;
5. By failing to turn to the right or the left to avoid a collision with Plaintiff's vehicle;
6. By driving his vehicle into the oncoming lanes of traffic when it was unsafe to do so; and
7. By driving on the wrong side of the highway.

Each and all of the above and foregoing acts, both of commission and omission, were negligent and constituted negligence and were each and all a proximate cause of the collision made the basis of this suit and of the death of Koree Alcoser and damages suffered by Plaintiff.

## VII.

Plaintiff would show that as a direct and proximate result of the aforesaid negligence, KOREE ALCOSER experienced a horrible, excruciating, and painful death.

## VIII.

Immediately prior to the collision made the basis of this lawsuit and to his death, Defendant PARGAS consumed numerous alcoholic beverages which were provided, sold, or served by the employees of Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE. Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE provided, sold, or served alcoholic beverages by and through their employees, agents, or representatives, to Defendant PARGAS when he was obviously intoxicated or to the point when he became obviously intoxicated and was a clear danger to himself and others, in violation of Section 2.02(b) of the Texas Alcoholic Beverage Code. The intoxication of Defendant PARGAS was a proximate cause of the death of KOREE ALCOSER and of the damages suffered by Plaintiff in this matter. Upon leaving the premises of the Bar Defendants, Defendant PARGAS was so intoxicated due to the actions of the Bar Defendants that he drove his vehicle recklessly on the wrong side of the highway, into oncoming traffic, causing the collision made the basis of this lawsuit and causing the death of KOREE ALCOSER.

## IX.

Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE and by and thru its employees, agents, or representatives, at all relevant times herein, were a "provider" as that term is defined under §2.01, Texas Alcoholic Beverage Code. Therefore, the provision, sale, or service of alcoholic beverages to Defendant PARGAS by Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE and by and thru their employees, agents, or representatives constituted violations under the Texas Alcoholic Beverage Code as follows:

1. In providing, selling, or serving alcoholic beverages to Defendant Pargas when it was apparent to Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE and their employees, agents, or representatives that Defendant Pargas was obviously intoxicated to the extent

that he presented a clear danger to himself and others in violation of §2.02, Texas Alcoholic Beverage Code.

X.

The violations of the Texas Alcoholic Beverage Code by Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE by and thru their employees, agents, and representatives, as set out above, was a proximate cause of the death of KOREE ALCOSER and damages sustained by Plaintiff which are set out below.

XI.

Furthermore, the employees, agents, or representatives of Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE, which provided, sold, or served Defendant PARGAS the alcoholic beverages, were, at all times relevant herein, in the course and scope of their employment with Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE. Therefore, the acts or omissions of said employees, agents, or representatives render Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE liable under respondeat superior.

XII.

Plaintiff would show that as a direct and proximate result of the negligence of the Bar Defendants MIDNIGHT SWIM, CHISME, PAPER TIGER, AND RUMBLE and Defendant PARGAS, Plaintiff suffered damages when his son KOREE ALCOSER was killed.

XIII.

KOREE ALCOSER was 20 years of age at the time of his death. He was in good health, with a reasonable life expectancy. During his lifetime, KOREE ALCOSER was industrious and energetic, and a good son. He performed numerous and usual tasks in and about the family residence, and gave advice, counsel, comfort, care, and protection to his family.

XIV.

LAWRENCE ALCOSER INDIVIDUALLY hereby seeks the following damages:

1. Physical pain, mental anguish, grief, and bereavement in the past as a result of the death of KOREE ALCOSER;
2. Physical pain, mental anguish, grief, and bereavement, which, in all reasonable probability, will be suffered in the future as a result of the death of KOREE ALCOSER;
3. Loss of companionship in the past as a result of the death of KOREE ALCOSER;
4. Loss of companionship which, in all reasonable probability, will be suffered in the future as a result of the death of KOREE ALCOSER;
5. Loss of society in the past as a result of the death of KOREE ALCOSER;
6. Loss of society which, in all reasonable probability, will be suffered in the future as a result of the death of KOREE ALCOSER;
7. Loss of love and affection in the past as a result of the death of KOREE ALCOSER;
8. Loss of love and affection which, in all reasonable probability, will be suffered in the future as a result of the death of KOREE ALCOSER;
9. Loss of comfort in the past as a result of the death of KOREE ALCOSER;
10. Loss of comfort which, in all reasonable probability, will be suffered in the future as a result of the death of KOREE ALCOSER;
11. Loss of services in the past as a result of the death of KOREE ALCOSER;
12. Loss of services which, in all reasonable probability, will be suffered in the future as a result of the death of KOREE ALCOSER;
13. Loss of enjoyment of life in the past as a result of the death of KOREE ALCOSER; and
14. Loss of enjoyment of life which, in all reasonable probability, will be suffered in the future as a result of the death of KOREE ALCOSER.

XV.

As required by TRCP 47, and because of all of the above and foregoing, Plaintiff has been damaged, and will be damaged, in a sum within the jurisdictional limits of this Court, as deemed just and fair by a jury of his peers, with such monetary relief being over \$1,000,000.

XVI.

WHEREFORE, PREMISES CONSIDERED, Plaintiff LAWRENCE ALCOSER, INDIVIDUALLY AS FATHER OF KOREE ALCOSER, DECEASED, requests that Defendants be cited to appear and answer herein, and that on final hearing of this cause, Plaintiff have judgment against Defendants, jointly and severally, for actual damages in an amount within the jurisdictional limits of this Court as stated above; for costs of suit; for interest on the judgment; for pre-judgment interest; and for such other and further relief, in law or in equity, to which the Plaintiff may show just entitlement.

Respectfully submitted,

RODRIGUEZ TRIAL LAW  
231 W. Cypress St.  
San Antonio, Texas 78212  
(210) 777-5555; Telephone  
(210) 224-0533; Telecopier

BY: /S/ FIDEL RODRIGUEZ, JR.  
FIDEL RODRIGUEZ, JR.  
State Bar No. 17145500  
[fidel@fidrodlaw.com](mailto:fidel@fidrodlaw.com)  
ATTORNEY FOR PLAINTIFF

PLAINTIFF RESPECTFULLY REQUESTS A JURY TRIAL



### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Rozalynn Ramirez on behalf of Fidel Rodriguez Jr  
Bar No. 17145500  
efile@fidrodllaw.com  
Envelope ID: 92192211  
Filing Code Description: Petition  
Filing Description:  
Status as of 9/19/2024 8:03 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Damaris Ramiro		dramiro@fidrodllaw.com	9/18/2024 4:46:16 PM	SENT
Fidel Rodriguez Jr		fidel@fidrodllaw.com	9/18/2024 4:46:16 PM	SENT
Joshua Diaz		jdiaz@fidrodllaw.com	9/18/2024 4:46:16 PM	SENT
Lana Lea		llea@fidrodllaw.com	9/18/2024 4:46:16 PM	SENT
Rozalynn Ramirez		rramirez@fidrodllaw.com	9/18/2024 4:46:16 PM	SENT
Rozalynn Ramirez		efile@fidrodllaw.com	9/18/2024 4:46:16 PM	SENT

