

CAUSE NO. 2012CV001448 D2

GERRY GARCIA,
PLAINTIFF

§

IN THE DISTRICT COURT

VS.

§

111th
JUDICIAL DISTRICT
OF WEBB COUNTY TEXAS
2012 OCT 1 PM 4:55
FILED
CLERK OF THE DISTRICT
COURT COUNTY OF WEBB TEXAS

City of Laredo
And CARLOS SANMIGUEL,
Defendants

§

OF WEBB COUNTY TEXAS

PLAINTIFF'S ORIGINAL PETITION FOR DECLARATORY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Gerry Garcia, Plaintiff in this action complains of the City of Laredo, and Carlos "Charlie" San Miguel, Defendants in this action, and for cause of action shows the following:

I.

Discovery Plan

Discovery in this cause is to be conducted under Level I – T.R.C.P. Rule 190.4.

II.

Parties

Plaintiff is an individual, residing in Laredo Webb County, Texas.

Defendant is a Home Rule Incorporated Municipality situated in Webb County, Texas. Defendant, City of Laredo maybe served with process by serving the City Secretary, Gustavo Guevara at 1100 Houston St. in Laredo, Texas. Defendant, Carlos "Charlie" San Miguel is an individual and maybe served with process at 1100 Houston St. in Laredo, Texas.

III.

Venue is proper in this Court because the occurrence sued on occurred at in this Webb County.

IV.

Carlos San Miguel is a duly elected Council member for the City of Laredo, and sits as an active member of the Laredo City Council.

All elected officials are governed by a duly adopted City Charter that was revised on November, 2010.

Two of Defendant's sons are within Defendant, Carlos San Miguel's first degree of consanguinity and are related to him.

V.

When the two sons, Carlos and Roberto San Miguel were admitted and hired to attend the firefighters' academy, Carlos San Miguel was a City Council Member.

The Mayor, Raul Salinas City Manager, Carlos Villarreal, City of Laredo, Fire Chief, Steve Landin and City Attorney, Raul Casso were all aware of these facts. Plaintiff states that this is typical conduct of the "Patron" System that has continued to be pervasive of the City of Laredo, political and governing system.

VI.

Plaintiff states that the Section 12.04 of the Nepotism Law of the City of Laredo Charter has been violated. All of the persons and governing body have violated this section, as well by act(s) of omission on behalf of all of the above persons named above.

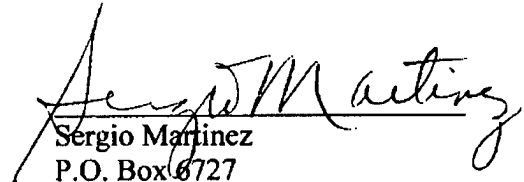
In this regard, Plaintiff is requesting that both sons Roberto and Carlos San Miguel be dismissed "instanter" from further training, all monies paid to them be reimbursed to the City of Laredo, Council Member Carlos San Miguel be removed from Office for violation of the Nepotism Law and all the appropriate mentioned City Officials be removed from Office for being derelict in performing their Official duties.

VII.

Plaintiff had to retain the services of Sergio Martinez, a licensed Attorney, as it was necessary to prosecute this suit and is requesting customary and reasonable, attorney's fees and costs of suit be granted.

Wherefore Premises Considered Plaintiff prays that after notice and hearing all relief as requested herein; reasonable attorney's fees and costs of suit.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Sergio Martinez", written over a horizontal line.

Sergio Martinez
P.O. Box 6727
Laredo, Texas 78040
(956)771-0881
S.B.N. 13144550



MONICA Z. NOTZON

JUDGE, 111th DISTRICT COURT

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CIVIL COURT COORDINATOR
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FERNANDO RAMOS
BAILIFF
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CAUSE NO: 2012CVT001448D2

STYLE: GERRY GARCIA

VS

CITY OF LAREDO AND CARLOS SANMIGUE

NOTICE OF CALENDAR CALL

Please take notice that this case is set for Calendar Call on the 23RD day of JANUARY, 2013 at 11:00 a.m. at the 111th District Court, 3rd Floor, Webb County Justice Center.

All Calendar Call hearings will be in open Court and on the record before the Honorable Judge Monica Z. Notzon. Your presence is **MANDATORY** unless Counsel for Plaintiff(s) and Defendant(s) have in place a pre-trial guideline order with both Counsel and Judge's signatures prior to calendar call date. This guideline order should have all appropriate dates including pre-trial jury selection and all deadlines.

Counsel for Plaintiff(s) please note that if you do not appear for calendar call your case may be dismissed for lack of prosecution.

Counsel for Defendant(s) please note that if you do not appear for calendar call, a pre-trial guideline order may be entered with or without your approval and/or signature.

If there are any questions regarding this matter please feel free to call our office at any time.

A handwritten signature in black ink, appearing to read "Abel Soliz", written over a horizontal line.

Abel Soliz

Civil Court Coordinator
111th District Court

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY):

2012CV001448 D2

COURT (FOR CLERK USE ONLY):

STYLED

Gerry Garcia vs City of Laredo

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name:	Email:	Plaintiff(s)/Petitioner(s):		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:	
Address:	Telephone:	Defendant(s)/Respondent(s):		Additional Parties in Child Support Case:	
City/State/Zip:	Fax:	Custodial Parent:		Non-Custodial Parent:	
Signature:	State Bar No:	Presumed Father:			
		[Attach additional pages as necessary to list all parties]			
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input checked="" type="checkbox"/> Other Professional Liability: Negotiation <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	

BY

WEBB

COUNTY, TEXAS

FILED

2012 OCT -1

PM 4:57

CLERK OF THE DISTRICT

& COUNTY COURTS

ESTHER DEGUARD