

CAUSE NO. D-1-GN-26-001554

LILLIAN MENDOZA BRADY, § IN THE DISTRICT COURT  
*Plaintiff,* §  
VS. § 261<sup>st</sup> JUDICIAL DISTRICT  
TESLA, INC., §  
*Defendant.* § TRAVIS COUNTY, TEXAS

**PLAINTIFFS’ FIRST AMENDED PETITION AND VERIFIED APPLICATION FOR  
TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR  
TEMPORARY INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Lillian Mendoza Brady (hereinafter, “Plaintiff”), and files this Plaintiff’s First Amended Petition and Verified Application for Temporary Restraining Order and Order Setting Hearing for Temporary Injunction against Defendant, Tesla, Inc. (herein referred to as “Defendant”), and in support thereof would respectfully show the Court as follows:

**I. DISCOVERY CONTROL PLAN**

1. Pursuant to the provisions of Texas Rules of Civil Procedure, Plaintiff proposes to conduct discovery according to Discovery Control Plan Level 3.

**II. PARTIES**

- 2. Plaintiff, Lillian Mendoza Brady is an individual residing in the State of Texas.
- 3. Defendant Tesla, Inc. (hereinafter referred to as “Defendant” or “Tesla”) is a domestic for-profit corporation conducting business in Texas with its principal place of business located at 1 Tesla Road, Austin, Texas 78725. Defendant Tesla may be served by and through its registered agent, CT Corporation System, at 1999 Bryan St., Ste. 900, Dallas, Texas 75201-3136.

***Service will be by process server. Service is hereby requested.***

### **III. VENUE AND JURISDICTION**

4. Plaintiff seeks monetary relief of over \$1,000,000.00 pursuant to Texas Rule of Civil Procedure 47(c)(5). The Court has jurisdiction over the lawsuit because the amount in controversy exceeds the Court's minimum jurisdictional requirements.

5. Venue is proper in Travis County Texas, pursuant to Texas Civil Practice and Remedies Code § 15.002(a)(1) because all or part of the events or omissions giving rise to this cause of action occurred in Travis County, Texas. Additionally, venue is proper in Travis County, Texas pursuant to § 15.002(a)(2) of the Texas Civil Practice and Remedies Code because Travis County, Texas is the location of Defendant's principal office.

### **IV. FACTUAL BACKGROUND**

6. On or about December 4, 2025, an employee of Defendant, Ndiaga Diagne, committed an assault on Plaintiff while both were working on Defendant's property.

7. Defendant maintained a policy and practice of permitting and sanctioning employee prayer breaks within common areas of the facility. During a sanctioned break, Defendant's employee Ndiaga Diagne was engaged in the act of prayer in a common area. He violently and without provocation physically assaulted Plaintiff.

8. Prior to this assault, Defendant had knowledge, or should have had knowledge of Ndiaga Diagne's volatile temperament and propensity for aggression, yet took no steps to monitor the common areas or supervise sanctioned activities in those spaces.

### **V. CAUSES OF ACTION AGAINST DEFENDANT TESLA, INC.**

#### **A. NEGLIGENCE**

9. Plaintiff incorporates by reference all other paragraphs of this petition as if fully set forth herein.

10. At all times relevant to the incident made the basis of this lawsuit, Defendant was

the owner(s) and/or operator(s) of the facility in question. As such, Defendant owed Plaintiff a duty to act as a reasonable operator. Defendant failed to exercise ordinary care relevant to the incident made the basis of this lawsuit and breached the duty owed to Plaintiff. Defendant committed acts of omission and commission, which collectively and severally constituted negligence, gross negligence, and recklessness, which negligence, negligence per se, gross negligence and recklessness were a proximate cause of Plaintiff's damages. Defendant's acts and omissions which constitute negligence and gross negligence include, but are not limited to the following:

- a. Failing to provide adequate safety policies and procedures;
- b. Failing to maintain a safe work area and/or provide a safe work environment and/or prevent an unsafe work environment;
- c. Failing to provide necessary and proper procedures and/or to train its employees to identify unreasonably dangerous conditions on the job site;
- d. Failing to install, maintain, and use safety processes, devices and safeguards to make the subject premises and conditions safe for Plaintiff;
- e. Failing to provide, follow and enforce safety rules and regulations for the safety of the employees working on the job site;
- f. Failing to warn of existing dangerous personnel of which Defendant knew or should have known;
- g. Failing to properly supervise the work being performed at the time of the incident made the basis of this lawsuit;
- h. Directing, controlling and supervising the work being performed by the personnel on site at the job site, in a negligent manner; and
- i. Other negligent acts.

11. Each of these acts and omissions, singularly or in combination with others, constituted negligence and proximately caused the occurrence made the basis of this action, including the injuries Plaintiff sustained.

12. At all material times, Defendant or, in the exercise of reasonable care, should have known of the dangerous and hazardous conditions on its premises and/or the condition had existed for a sufficient length of time so that Defendant knew or should have known of the condition and could have easily remedied the condition.

## **B. NEGLIGENT SUPERVISION AND RETENTION**

13. Plaintiff incorporates by reference all other paragraphs of this Petition as if fully set forth herein.

14. Pleading further and in the alternative, Defendant owed a duty to supervise its employees to prevent foreseeable harm to others. By allowing unsupervised prayer breaks in shared common areas involving an employee with known aggressive tendencies Defendant breached its duty of care. This negligence was a proximate cause of the physical injuries and damages sustained by the Plaintiff.

### **C. PREMISES LIABILITY**

15. Plaintiff incorporates by reference all other paragraphs of this petition as if fully set forth herein.

16. In the alternative, Plaintiff would show that at all times relevant herein, Defendant was in possession and/or control of the premises where Plaintiff was injured. At the time of the incident made the basis of this lawsuit, Plaintiff was an invitee on Defendant's premises because she entered the premises with Defendant's knowledge and for their mutual benefit. There was a condition on the premises that posed an unreasonable risk of harm to Plaintiff and others similarly situated. The condition was such that a risk of harm was so great that it was both unreasonable and foreseeable.

17. As the party in control of the common areas, Defendant had a duty to protect invitees from foreseeable criminal acts. Defendant failed to implement adequate security and/or oversight for the common areas it designated for employee breaks, creating an unreasonably dangerous condition.

18. Each of these acts and omissions, singularly or in combination with others, constituted negligence and proximately caused the occurrence made the basis of this action, including the injuries Plaintiff sustained.

**D. GROSS NEGLIGENCE**

19. Plaintiff incorporates by reference all other paragraphs of this petition as if fully set forth herein.

20. Plaintiff would show the Court and jury that the conduct of Defendant described herein constitutes gross negligence as defined in Texas Civil Practice & Remedies Code § 41.001(11)(A)-(B). As a result of Defendant’s gross negligence, Plaintiff is entitled to exemplary damages.

21. “Gross negligence” according to the Texas Civil Practice & Remedies Code § 41.001(11)(A)-(B) means an act or omission:

- a. which when viewed objectively from the standpoint of the actor at the time of its occurrence involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and
- b. of which the actor has actual, subjective awareness of the risk involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others.

22. Defendant is liable to Plaintiff for gross negligence—to wit:

- a. Defendant consciously and/or deliberately engaged in recklessness, willfulness, wantonness and/or malice through Defendant’s actions, and/or inactions, and they should be held liable for punitive and exemplary damages to Plaintiff; and
- b. Defendant’s actions or inactions directly and proximately caused Plaintiff’s injuries, which resulted in the damages detailed below.

23. Defendant’s conduct involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff. Defendant had actual, subjective awareness of the risk involved, but nevertheless, proceeded in conscious indifference to the rights, safety, or welfare of Plaintiff.

24. As a result of such gross negligence of Defendant, Plaintiff is entitled to exemplary damages.

**VI. DAMAGES & EXEMPLARY DAMAGES**

25. Plaintiff seeks unliquidated damages in an amount that is within the jurisdictional limits of the Court.

26. As a direct and proximate result of the Defendant's negligent, and grossly negligent acts and/or omissions described above, Plaintiff suffered substantial injuries and damages for which she seeks recovery in an amount that the jury determines to be fair and reasonable, including the following damages:

- a. Past and future physical pain and mental anguish;
- b. Past and future loss of earning capacity;
- c. Past and future lost wages;
- d. Past and future disfigurement;
- e. Past and future physical impairment; and
- f. Past and future medical expenses.

27. The conduct, failures, acts, and omissions of Defendant described above, were more than momentary thoughtlessness, inadvertence, or error of judgment and were of such a character as to constitute gross negligence and therefore subject Defendant to punitive damages. Defendant's acts or omissions involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others of which Defendant had actual awareness, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others. Plaintiff therefore sue for exemplary damages, pursuant to Texas Civil Practice and Remedies Code § 41.003, in the amount determined by the trier of fact.

#### **VII. PRESERVATION OF EVIDENCE/SPOLIATION NOTICE**

28. Plaintiff hereby requests and demands that Defendant preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit, or the damages resulting therefrom, including contracts, emails, minutes of meetings, memoranda, correspondence, financial records, diagrams, maps, photographs, videotapes, audiotapes, recordings, files, facsimiles, voicemails, text messages, calendar entries, or information related to the reference claim. Failure to maintain such items shall constitute a "spoliation" of the evidence.

**VIII. VERIFIED APPLICATION FOR TEMPORARY RESTRAINING ORDER AND  
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

29. Plaintiff respectfully requests that her Application for Temporary Restraining Order and Temporary Injunction be granted because there is a substantial risk of harm to the evidence, unless the Defendant, its agents, servants, and employees, or anyone acting in concert therewith, are immediately deterred from taking any action that might alter, damage, or destroy potential evidence, as fully outlined below.

30. There is reason to believe the Defendant will commit said acts before notice of hearing on the Motion for Temporary Injunction can be served and hearing had; and that if the commission of said acts are not immediately restrained, Plaintiff will suffer irreparable injury, to wit: Defendant's destruction, disposal, and/or removal of the evidence involved herein, which would prevent Plaintiffs from asserting her rights to inspect or test evidence as provided by the Texas Rules of Civil Procedure.

31. Plaintiff further respectfully requests the Court order the Defendant, its agents, servants, employees, or anyone having knowledge of this Order be hereby commanded forthwith to desist and refrain from taking any action that might alter, damage, or destroy in any way, all items listed below and in the attached order.

32. For these reasons, Plaintiff requests that Defendant be cited to appear, and that Plaintiff be awarded judgment against the Defendant, for the following:

- a. Temporary Restraining Order;
- b. Temporary Injunction;
- c. Permanent Injunction; and
- d. All other relief to which Plaintiff is entitled.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Court order that Defendant, its agents, servants, employees or anyone having knowledge of this order are

hereby commanded forthwith to desist and refrain from taking any action that might alter, damage or destroy, in any way.

- Photographs, videotapes, motion pictures, drawings, sketches, or diagrams relevant to the incident made the basis of this lawsuit;
- Correspondence and documents related to the incident made the basis of this lawsuit;
- Notes, journals, diaries, drafts, outlines and other documents that relate in any way to the incident made the basis of this lawsuit;
- Photographs and video reflecting the injuries sustained by the Plaintiff as a result of the incident made the basis of this lawsuit;
- Photographs and videos of the incident made the basis of this lawsuit;
- Reports, notes, or diagrams made in connection with any investigation that was conducted regarding the incident made the basis of this lawsuit, which was performed in the regular course of business;
- Investigative or incident reports, and video investigation, including but not limited to any made by a private investigation company, for the incident made the basis of this lawsuit;
- Witness statements, whether written, recorded or videotaped, in regard to the incident made the basis of this lawsuit;
- Documents generated or received by Defendant related to the incident made the basis of this lawsuit;
- Internal policies and procedures related to safety, which were in effect on the date of the incident made the basis of this lawsuit;
- Documents discussing lessons learned as a result of the incident made the basis of this lawsuit;
- Documents discussing immediate corrective actions as a result of the incident made the basis of this lawsuit; and
- Communications and internal memos drafted by Defendant regarding the incident made the basis of this lawsuit.

Plaintiff further moves this Honorable Court to order that the Defendant be ordered to allow Plaintiff and their retained experts and representatives to inspect, take photographs and videotape, and copy any and all of the relevant and crucial above-referenced evidence and materials related to the subject incident made the basis of this Application for Temporary Restraining Order, and that the Defendant provide Plaintiff with copies of all the evidence preserved.

#### **IX. PRAYER**

WHEREFORE, FACTS AND PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer herein, that this cause be set for trial before a jury,

that Plaintiff recover judgment of and from said Defendant, jointly and severally, for her actual damages in this cause in such amounts as the evidence may show and the jury may determine to be proper, together with the costs of suit, pre-judgment interest and post judgment interest, and for all such other and further relief, both in equity and at law, to which Plaintiff may show that she is justly entitled.

Respectfully submitted,

**HILLIARD LAW**

By: /s/ Alexander Hilliard

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true and correct copy of the foregoing document was forwarded to all known counsel of record pursuant to the Texas Rules of Civil Procedure on this the 5th day of March, 2026.

/s/ Alexander Hilliard  
Alexander Hilliard

VERIFICATION

THE STATE OF TEXAS

§

COUNTY OF NUECES

§

§

Before me, the undersigned notary, on this day personally appeared Alexander Hilliard, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

“I am an attorney licensed to practice law in Texas, and I represent Plaintiff, Lillian Mendoza Brady. At the present time, upon information and belief, Defendant Tesla, Inc., or their agents or those acting together with Defendant are in control of the evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit, or the damages resulting therefrom, including contracts, emails, minutes of meetings, memoranda, correspondence, financial records, diagrams, maps, photographs, videotapes, audiotapes, recordings, files, facsimiles, voicemails, text messages, calendar entries, or information related to the reference claim described in Plaintiff’s First Amended Petition, which occurred on December 4, 2025, and forms the basis of this suit. If the above-referenced evidence, which is in the possession and control of the Defendant, is in any way altered, damaged, or destroyed, evidence may be forever lost to Plaintiff. The facts stated in Plaintiff’s First Amended Petition and Verified Application for Temporary Restraining Order and Order Setting Hearing for Temporary Injunction are true and correct.

Further, Affiant sayeth not.”

*Alex Hilliard*

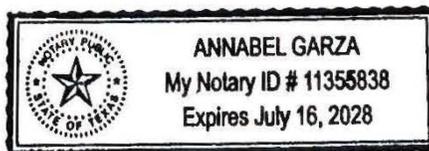
Alexander Hilliard

SUBSCRIBED AND SWORN TO BEFORE ME on the 9<sup>th</sup> day of March 2026, to certify which witness my hand and official seal.

*Annabel Garza*

Notary Public, State of Texas

My Commission Expires: 7/16/2028



CAUSE NO. D-1-GN-26-001554

LILLIAN MENDOZA BRADY,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
VS.	§	261 <sup>st</sup> JUDICIAL DISTRICT
	§	
TESLA, INC.,	§	
	§	
<i>Defendant.</i>	§	TRAVIS COUNTY, TEXAS

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**ORDER GRANTING PLAINTIFF’S VERIFIED APPLICATION  
FOR TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR  
TEMPORARY INJUNCTION**

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TO THE HONORABLE JUDGE OF SAID COURT:

BE IT REMEMBERED that on the day and date herein below set out, came on to be considered Plaintiff’s Verified Application for Temporary Restraining Order and Order Setting Hearing for Temporary Injunction. The Court having considered the Application and argument of counsel, finds that the Application has merit and should in all things be GRANTED.

It is accordingly, ORDERED, ADJUDGED and DECREED that Verified Application for Temporary Restraining Order and Order Setting Hearing for Temporary Injunction is hereby GRANTED, and that Defendant, their officers, agents, servants, employees, attorneys, and all those persons in active concert or participation with them, and those who receive actual or constructive notice of the Order of the Court by personal service or otherwise be commanded forthwith to desist and refrain from taking any action that might change, alter, damage or destroy in any way:

- Photographs, videotapes, motion pictures, drawings, sketches, or diagrams relevant to the incident made the basis of this lawsuit;
- Correspondence and documents related to the incident made the basis of this lawsuit;

- Notes, journals, diaries, drafts, outlines and other documents that relate in any way to the incident made the basis of this lawsuit;
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- Documents generated or received by Defendant related to the incident made the basis of this lawsuit;
- Internal policies and procedures related to safety, which were in effect on the date of the incident made the basis of this lawsuit;
- Documents discussing lessons learned as a result of the incident made the basis of this lawsuit;
- Documents discussing immediate corrective actions as a result of the incident made the basis of this lawsuit; and
- Communications and internal memos drafted by Defendant regarding the incident made the basis of this lawsuit.

It is further ordered that a hearing shall be set on the Plaintiff's Verified Application for Temporary Restraining Order on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

The Order shall not be effective unless and until Plaintiff executes and files with the Court a Bond in conformity with law in the amount of \_\_\_\_\_.

SIGNED on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
JUDGE PRESIDING

### 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.

Annabel Garza on behalf of Alex Hilliard

Bar No. 24099145

agarza@hilliard-law.com

Envelope ID: 112076942

Filing Code Description: Amended Filing

Filing Description: PLAINTIFFS' FIRST AMENDED PETITION AND VERIFIED APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR TEMPORARY INJUNCTION

Status as of 3/6/2026 8:36 AM CST

Associated Case Party: LILLIANMENDOZABRADY

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