

Tonya Pointer

CAUSE NO. DC-14-13184

DEAKIGER AMOS DUNCAN, Individually and  
as Surviving Child of THOMAS ERIC  
DUNCAN, Deceased, et al.,

Plaintiffs,

vs.

EMERGENCY MEDICINE CONSULTANTS,  
LTD., et al.

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

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

DALLAS COUNTY, TEXAS

**PLAINTIFFS' ORIGINAL PETITION**

COME NOW, DEAKIGER AMOS DUNCAN, KARSIAH ERIC DUNCAN, ELLEN MAI DUNCAN (also known as Diana Yah Messash), and MAI WUREH, Aunt and Next Friend of ERICA DUNCAN, a Minor, All Individually and as Surviving Children of THOMAS ERIC DUNCAN, Deceased; JACOB DUNCAN; and NOWAI G. KORKOYAH, Individually and as Representative of the Estate Of THOMAS ERIC DUNCAN, Deceased, Plaintiffs, complaining of EMERGENCY MEDICINE CONSULTANTS, LTD.; TEXAS MEDICINE RESOURCES, L.L.P.; TEXAS HEALTH PRESBYTERIAN HOSPITAL DALLAS; and TEXAS HEALTH RESOURCES, Defendants, and for cause of action would respectfully show this Court as follows:

**1. PARTIES**

1.01 Plaintiff Deakiger Amos Duncan, Individually and Surviving Child of Thomas Eric Duncan, deceased, is an individual residing in North Carolina.

1.02 Plaintiff Karsiah Eric Duncan, Individually and Surviving Child of Thomas Eric Duncan, deceased, is an individual residing in Texas.

1.03 Plaintiff Ellen Mai Duncan (also known as Diana Yah Messash), Individually and Surviving Child of Thomas Eric Duncan, deceased, is an individual residing in Liberia.

1.04 Plaintiff Mai Wureh, Aunt and Next Friend of Erica Duncan, is an individual residing in North Carolina. Erica Duncan, a Minor, Individually and Surviving Child of Thomas Eric Duncan, deceased, is an individual residing in Ghana.

1.05 Plaintiff Jacob Duncan is an individual residing in Monrovia, Liberia, who is the surviving father of the deceased.

1.06 Plaintiff Nowai G. Korkoyah, Individually and as Representative of the Estate of Thomas Eric Duncan, deceased, is an individual residing in North Carolina who is the surviving mother of the deceased.

1.07 Defendant Emergency Medicine Consultants, Ltd. is a legal entity doing business in the State of Texas. Counsel for Defendant has voluntarily agreed to accept service for said Defendant.

1.08 Defendant Texas Medicine Resources, L.L.P. is a legal entity doing business in the State of Texas. Counsel for Defendant has voluntarily agreed to accept service for said Defendant.

1.09 Defendant Texas Health Presbyterian Hospital Dallas is a health care facility licensed under the laws of the State of Texas and doing business in Dallas County, Texas. Counsel for Defendant has voluntarily agreed to accept service for said Defendant.

1.10 Defendant Texas Health Resources is a legal entity doing business in the State of Texas. Counsel for Defendant has voluntarily agreed to accept service for said Defendant.

**2. JURISDICTION AND VENUE**

2.01 Venue is proper in Dallas County, Texas, because it is the county in which all or a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred. Tex. Civ. Prac. & Rem. Code Ann. § 15.002.

2.02 Jurisdiction is proper because the damages sought are within the jurisdictional limits of this Court. Tex. R. Civ. P. 47.

**3. CLAIMS FOR RELIEF**

3.01 Defendants Emergency Medicine Consultants, Ltd., Texas Medicine Resources, L.L.P., Texas Health Presbyterian Hospital of Dallas, and Texas Health Resources, by and through their agents, employees or borrowed servants, including but not limited to the hospital and nursing staff, failed to use ordinary care in providing treatment to Thomas Eric Duncan, that a reasonable health care facility would have employed under the same or similar circumstances, and as such, committed acts and/or omissions which were a proximate cause of the death of Thomas Eric Duncan.

**4. DAMAGES**

4.01 In accordance with Tex. R. Civ. P. 47, Plaintiffs state that they seek monetary relief above the jurisdictional limits and a demand for judgment for all the other relief to which the Plaintiffs may deem themselves entitled.

4.02 Plaintiffs would show that, as a direct and proximate result of the acts and/or omissions of the Defendants, as set out above, Thomas Eric Duncan suffered severe and permanent physical and emotional injuries and death. Plaintiffs seek recovery for past medical expenses, including funeral and burial expenses, physical pain and mental anguish.

5. **PRAYER**

5.01 WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants appear and answer herein, and that upon final determination of these causes of action, Plaintiffs receive a judgment against Defendants, awarding the Plaintiffs as follows:

- (a) Actual damages alleged herein, in an amount in excess of the minimal limits of the Court against the named Defendants;
- (b) Costs of court;
- (c) Prejudgment interest at the highest rate allowed by law from the earliest time allowed by law;
- (d) Interest on the judgment at the highest legal rate from the date of judgment until collected; and
- (e) All such other and further relief at law and in equity to which the Plaintiffs may show themselves to be justly entitled.

Respectfully Submitted,

**MILLER WEISBROD, L.L.P.**

*/s/ Les Weisbrod*

**LES WEISBROD**

State Bar No. 21104900

[lweisbrod@millerweisbrod.com](mailto:lweisbrod@millerweisbrod.com)

11551 Forest Central Drive

Forest Central II, Suite 300

Dallas, Texas 75243

(214) 987-0005 (Telephone)

(214) 987-2545 (Facsimile)

**ATTORNEYS FOR PLAINTIFFS**