

II. **PARTIES**

2. Plaintiff, Larissa Quintanilla Biscamp, is a resident of Jasper County, Texas. Plaintiff is the wife of Jesse Biscamp, Deceased, and the natural mother of Jesse Biscamp's child, J.B., Minor Plaintiff. Plaintiff is asserting a wrongful death claim, individually, a survival claim on behalf of Jesse Biscamp's estate, and a claim as next friend of J.B., Minor Plaintiff.

3. Plaintiff, Jayson Wade Biscamp, is a resident of Jasper County, Texas. Plaintiff is the natural father of Jesse Biscamp, Deceased. Plaintiff is asserting a wrongful death claim, individually.

4. Plaintiff, Penny Renee' Biscamp, is a resident of Sabine County, Texas. Plaintiff is the natural mother of Jesse Biscamp, Deceased. Plaintiff is asserting a wrongful death claim, individually.

5. Defendant, Valero Energy Corporation, is a foreign for-profit corporation with its principal place of business in Bexar County, Texas. Defendant Valero Energy Corporation may be served through its registered agent: CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

6. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of "Valero Energy Corporation" with regard to the events described in this Petition. Plaintiffs expressly invoke their right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion or of the Court.

7. Defendant, Valero Refining-Texas, L.P., (collectively with Valero Energy Corporation referred to as "Valero Defendants"), is a domestic limited partnership with its principal place of business in Bexar County, Texas. Defendant Valero Refining-Texas, L.P., may

be served through its registered agent: CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

8. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of “Valero Refining-Texas, L.P.,” with regard to the events described in this Petition. Plaintiffs expressly invoke their right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion or of the Court.

9. Defendant, UPS Industrial Services, LLC (“UPS Industrial Services”), is a domestic limited liability company with its principal office in Harris County, Texas. Defendant UPS Industrial Services may be served through its registered agent: Capitol Corporate Services, Inc., at 1501 South Mopac Expressway, Suite 220, Austin, Texas 78746.

10. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of “UPS Industrial Services” with regard to the events described in this Petition. Plaintiffs expressly invoke their right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion or of the Court.

III. **JURISDICTION AND VENUE**

11. This Court has personal jurisdiction over the Parties in this action, subject-matter jurisdiction over the facts and law presented by this case and the amount in controversy exceeds this Court’s minimum jurisdictional limit. Plaintiffs seek monetary relief in excess of \$1,000,000. Additionally, removal to federal court would be improper because this lawsuit does not involve a federal question, this lawsuit lacks diversity and/or because of the forum defendant rule.

12. Venue is proper in Harris County, Texas, pursuant to Section 15.002(a)(3) of the Texas Civil Practice and Remedies Code, because this is the county of Defendant UPS Industrial Services' principal office in this state. Because Plaintiffs have established proper venue against one defendant, the Court also has venue over all of the defendants in all claims or actions arising out of the same transaction, occurrence, or series of transactions or occurrences, thus venue is proper in Harris County, Texas as to all Defendants in this case. Tex. Civ. Prac. & Rem. Code §15.005.

IV.
FACTS

13. On or about February 9, 2026, Jesse Biscamp (“Decedent”) was an employee of Defendant UPS Industrial Services performing work at a Valero Refinery in Ardmore, Oklahoma. A sudden catastrophic fire occurred at the facility that caused serious and catastrophic injuries to Decedent. As a result, Decedent died from these injuries on February 11, 2026.

V.
CAUSES OF ACTION AGAINST VALERO DEFENDANTS

A. NEGLIGENCE

14. At the time and on the occasion in question, Valero Defendants committed acts and omissions, which collectively and separately constituted negligence. Defendants had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. Defendants breached that duty in one or more of the following ways:

- a. Failing to provide adequate training;
- b. Failing to provide a safe workplace;
- c. Failing to keep a proper lookout;

- d. Failing to warn of a dangerous condition;
- e. Failing to properly oversee safety in the work area;
- f. Violating OSHA regulations and standards; and
- g. Other acts or omissions deemed negligent.

15. Such negligence, either singularly or in combination, proximately caused Decedent's death and Plaintiffs' damages.

B. NEGLIGENT UNDERTAKING

16. Defendants also committed acts and/or omissions, singularly or in combination, that constituted negligent undertaking. Defendants undertook to perform operations at the premises, on the date of the Incident. At all times material, Defendants had a duty to use reasonable care to perform this work in a manner for the safety of all workers, including Decedent. Defendants undertook to perform such work that it knew or should have known was necessary for the safety and protection of workers, including Decedent. Defendants recognized or should have recognized performing such work in a safe manner was necessary for the protection of the workers, including Decedent. Workers, such as Decedent, relied upon Defendants to properly perform that work in a safe manner in order to prevent incidents such as the Incident in question. Defendants failed to exercise reasonable care in the performance of this undertaking, and thereby increased the risk of harm to the workers on site, including Decedent. Such negligence and failure to exercise reasonable care proximately caused the incident as well as Decedent's death and Plaintiffs' damages herein.

C. NEGLIGENT ACTIVITY

17. Plaintiffs also allege that such negligence and contemporaneous activities pled herein constitute negligent activities that were occurring on the premises and caused Decedent's

death and damages to Plaintiffs. Defendants also committed acts and/or omissions, singularly or in combination, that constituted negligent activity. Decedent was killed by the contemporaneous acts of Defendants, who were in control of the premises. Defendants' acts and/or omissions were affirmative contemporaneous acts that proximately caused Decedent's death and Plaintiffs' damages.

D. PREMISES LIABILITY

18. Defendants owned, occupied and/or controlled the area where Decedent was injured. The condition of the area where Decedent was killed posed an unreasonable risk of harm, and Defendants had actual knowledge, or reasonably should have known of the unreasonably dangerous condition. Moreover, Decedent did not have actual knowledge of the unreasonably dangerous condition.

19. Decedent was an invitee who entered Defendants' premises with their knowledge and for their benefit. Defendants had a duty to either warn Decedent of this unreasonably dangerous condition or make the unreasonably dangerous condition reasonably safe. Defendants breached this duty by failing to warn Decedent of this known unreasonably dangerous condition. Defendants also breached this duty by failing to make this known unreasonably dangerous condition reasonably safe. Defendants' breach of these duties proximately caused Decedent's death and Plaintiffs' damages.

E. GROSS NEGLIGENCE

20. Plaintiffs allege that all acts, conduct, and/or omissions on the part of Defendants, taken singularly or in combination, constitute gross negligence and were the proximate cause of Decedent's death and Plaintiffs' damages. Defendants' acts and/or omissions, when viewed objectively from their standpoint at the time such acts and/or omissions occurred, involved an

extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendants had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Decedent with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Decedent's death and Plaintiffs' damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

VI.

CAUSES OF ACTION AGAINST DEFENDANT UPS INDUSTRIAL SERVICES

A. GROSS NEGLIGENCE

21. Plaintiffs incorporate by reference the preceding paragraphs as if fully set forth herein.

22. Defendant UPS Industrial Services owed Decedent a duty to exercise reasonable care under the circumstances by providing Decedent with the necessary and proper training and supervision when working in close proximity to flammable materials, to provide Decedent with the proper equipment and safety equipment for working with flammables, to oversee and supervise Decedent, and to ensure he was qualified and fit to perform the work Defendant assigned to him. Defendant breached these duties, and its breach was the proximate cause of Plaintiffs' damages.

23. When viewed objectively from Defendant's standpoint at the time in question, its actions involved an extreme degree of risk considering the probability and magnitude of the potential harm and/or death to others. Defendant had actual, subjective awareness of the risk involved and proceeded with conscious indifference to the rights, safety and welfare of Decedent. As a result of Defendant's indifference, Decedent lost his life.

24. Defendant committed acts of omission and commission, which collectively and/or severally constituted gross negligence, and that gross negligence proximately caused Plaintiffs'

injuries and damages. Defendant's acts or omissions constituting gross negligence include, without limitation:

- a. Failing to properly inform Decedent of the presence of flammable materials;
- b. Failing to conduct onsite safety meetings;
- c. Failing to provide proper safety equipment when working with flammables;
- d. Failing to provide adequate training and supervision; and
- e. Failure to warn of a dangerous condition.

25. This claim for exemplary damages by the surviving heirs is exempt from the exclusivity provision of the Workers' Compensation Act. Tex. Lab. Code § 408.001(b).

VII. **SURVIVAL ACTION**

26. As a result of the wrongful conduct of Defendants as described above, Decedent suffered physical pain and suffering and mental anguish prior to his death. Additionally, his Estate incurred or will incur medical and funeral expenses, for which Defendants are liable. As representatives of Decedent's Estate, Plaintiff Larissa Quintanilla Biscamp asserts the above-pled causes of action against Defendants on behalf of Decedent's Estate pursuant to Tex. Civ. Prac. & Rem. Code § 71.021.

27. As a result of the wrongful conduct of Defendants, Plaintiff Larissa Quintanilla Biscamp, as Representatives of the Estate of Jesse Biscamp, Deceased, brings this survival action for the following damages Decedent sustained, which survive Decedent's untimely death:

- a. Past physical pain and mental anguish;
- b. Funeral expenses; and
- c. Medical expenses.

VIII.
WRONGFUL DEATH

28. Because the wrongful conduct of Defendants, and their agents and employees described above, caused the death of Decedent, and because Decedent would have a cause of action against Defendants for his injuries had he lived, Plaintiffs have a cause of action against Defendants to recover damages for the wrongful death of Jesse Biscamp pursuant to Tex. Civ. Prac. & Rem. Code §§ 71.002 and 71.003. These damages include:

- a. Past and future pecuniary losses;
- b. Past and future loss of companionship and society;
- c. Past and future mental anguish; and
- d. Loss of inheritance.

29. In addition, Plaintiffs are entitled to exemplary damages for Defendants' willful acts, omissions, and/or gross negligence that led to Decedent's death.

IX.
**APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND INJUNCTIVE RELIEF**

30. Based on reasonable information and belief, the equipment involved in the incident is in the possession of Valero Defendants. The equipment contains material items that are pertinent to an investigation of the incident, and Plaintiffs need to have the equipment inspected and preserved as part of an investigation of the incident.

31. Therefore, Plaintiff asks that the Court enter an order restraining Valero Defendants from altering, salvaging, selling, or destroying any evidence from the Valero Refinery. There is not enough time to serve notice on Valero Defendants and hold a hearing because, on information and belief, Valero Defendants continue to use the equipment involved in the incident and evidence related to the incident may be altered and/or destroyed.

32. To prevent the alteration or destruction of evidence in the equipment, and in order for Plaintiffs to properly investigate and pursue their claims, recover damages, and see that justice is done, this Court should require Valero Defendants and their agents, servants, employees, contractors, contract employees, attorneys, and those acting in concert with or in representation of Valero Defendants to:

- a. Refrain from altering, salvaging, selling, or destroying any evidence from the equipment involved in the incident; and
- b. Preserve the equipment, the state and condition of all related equipment in the process and/or unit as well as all related parts until they are fully inspected and any and all relevant evidence is captured and/or preserved.

33. There is no adequate remedy at law available to the Plaintiffs to prevent Valero Defendants from altering, salvaging, selling or destroying any evidence from the equipment, unless this Court grants immediate relief restraining such conduct. Plaintiffs would pray that this Court enter a Temporary Restraining Order preserving the status quo by restraining Valero Defendants from in any way altering, salvaging, selling, or destroying any evidence from the equipment and any other evidence related to the incident, as well as moving, removing, or altering any and all tangible evidence from scene of the incident in question. Plaintiffs also seek an order preserving:

- a. Any and all photographs and videotapes of the scene of the incident, Valero Refinery, parties or equipment involved in the incident;
- b. Any and all chemical, environmental and/or other monitoring of the Valero Refinery, the process and/or any equipment involved in the incident;
- c. Any and all documents/communications regarding the scene of the incident, Valero Refinery, parties or equipment involved in the incident;
- d. Any and all emails, electronic data, documents, statements, diaries, calendar entries, memos, incident reports, call records, call slips or telephone messages, text messages, facsimiles, voicemail messages and correspondence related to the incident; and
- e. Any and all records, inspection reports, policies and procedures, actual audiotape recording or any transcript of any recorded statements, mobile radio and dispatch

records pertaining to the incident.

34. The foregoing tangible and physical evidence is relevant and reasonably necessary to determine the cause of the incident made the basis of this suit, the loss of which would irreparably harm Plaintiffs.

X.

REQUEST FOR HEARING ON TEMPORARY RESTRAINING ORDER

35. Plaintiffs pray for this Court to set a hearing on Plaintiffs' Application for Temporary Restraining Order and subsequent injunctive relief in this matter.

XI.

REQUEST FOR INSPECTION

36. Plaintiffs pray that this Court issue an Order permitting the Plaintiffs' attorneys and investigative staff, including but not limited to, consulting experts, to have access to the Valero Refinery in Ardmore, Oklahoma so that they may inspect, measure, photograph, and film the interior and exterior of the Valero Refinery as well as any related evidence. Such access for the purpose of inspection, photographing and filming is essential in order for Plaintiffs to prepare their case and to see that justice is done.

XII.

TRCP 193.7

37. Pursuant to Texas Rule of Civil Procedure 193.7, Defendants are hereby put on actual notice that any documents produced in response to written discovery will be used in pretrial proceedings and at trial and will be deemed authentic unless they make valid objections to authenticity pursuant to this rule.

XIII.

PRESERVATION OF EVIDENCE

38. Plaintiffs hereby request and demand that Defendants preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit

and the damages resulting therefrom, including, but not limited to, photographs; videotapes; audiotapes; recordings; business or medical records; bills; estimates; invoices; checks; correspondence; memoranda; files; facsimiles; emails; voice mails; text messages; investigations; cellular telephone records; calendar entries; and any electronic image, data, or information related to Plaintiff, the referenced incident, or any damages resulting therefrom. Failure to maintain such items will constitute spoliation of the evidence.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that citation issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing or final trial hereof, the Court enter judgment in their favor for actual damages, exemplary damages, costs of court, pre- and post-judgment interest at the maximum rate allowed by law, and for each other and further relief to which they may be justly entitled.

Respectfully submitted,

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Filing Description: PLAINTIFFS' ORIGINAL PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

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Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
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