

CAUSE NO. 2010-25245

TRACY KLEPPINGER, Individually and  
as Representative of the Estate of  
KARL KLEPPINGER, Jr. and as next  
friend of AARON THOMAS  
KLEPPINGER, a minor child

IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, T E X A S

TRANSOCEAN OFFSHORE  
DEEPWATER DRILLING, INC.,  
DEEPWATER HORIZON, and  
BP PRODUCTS NORTH AMERICA,  
INC.

234<sup>th</sup> JUDICIAL DISTRICT

**PLAINTIFFS' FIRST AMENDED ORIGINAL PETITION**  
**and REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, TRACY KLEPPINGER, Individually and as Representative of the Estate of  
KARL KLEPPINGER, JR. and as Next Friend of AARON THOMAS KLEPPINGER, a minor child,  
Plaintiffs, complaining of and against TRANSOCEAN OFFSHORE DEEPWATER DRILLING,  
INC., DEEPWATER HORIZON, and BP PRODUCTS NORTH AMERICAN, INC., Defendants  
herein, and for cause of action, would respectfully show as follows:

**A. Discovery Control Plan**

1. Plaintiffs intend to conduct discovery under Level 3 pursuant to Rule 190.4 of the Texas  
Rules of Civil Procedure.

**B. Parties**

2. Plaintiff, TRACY KLEPPINGER, is an individual and is the wife of Karl Kleppinger and is  
the mother of Aaron Thomas Kleppinger, the son of Karl Kleppinger, Jr..

3. Defendant, TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INC. is a Corporation  
domiciled at 4 Greenway Plaza, Houston, Harris County, Texas and conducting business in the State

of Texas, and can be served with process by serving its registered agent for service of process, Eric B. Brown, at 4 Greenway Plaza, Houston, Texas 77046.

4. Defendant, BP PRODUCTS NORTH AMERICA, INC. is a Maryland corporation but may be served with process by serving its registered agent for service of process in Texas, Prentice Hall Corp System at 211 E. 7TH Street, Suite 620 in Austin, Texas 78701.

### **C. Venue**

5. Venue is proper in Harris County, Texas pursuant to Texas Civil Practice & Remedies §15.0181(c)(1) because Defendant TRANSOCEAN OFFSHORE DEEPWATER DRILLING INC.'s principal office in this state is located in Harris County, Texas.

### **D. Jurisdiction**

6. This is an admiralty and maritime claim within the jurisdiction of this Honorable Court.

7. Karl Kleppinger, Jr. was a seaman and this action is brought pursuant to Title 46 U.S.C. §30104, *et. seq.* and pursuant to the admiralty and general maritime laws of the United States.

### **E. Factual Summary**

8. Plaintiffs would show that this lawsuit has become necessary as a result of an incident, which occurred on or about April 20, 2010. On said date, Karl Kleppinger, Jr. was employed by Defendant, TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INC. as a seaman and was assigned as a member of the crew on board the *DEEPWATER HORIZON*, a vessel within the meaning of 46 U.S.C. § 30104, *et. seq.* Karl Kleppinger, Jr.'s duties contributed to the mission of the *DEEPWATER HORIZON*, which is a semi-submersible drilling rig which was in navigation on April 20, 2010 at the time of the incident.

9. On or about April 20, 2010, while working in the course and scope of his employment for Defendants, an explosion and fire occurred on the *DEEPWATER HORIZON*. Plaintiffs will show

that Defendants were negligent and such negligence was a proximate and/or producing cause of the incident and the resulting damages.

10. As of the time of this filing, Karl Kepplinger, Jr. is still lost at sea and it is unknown if he is alive and seriously injured or dead. This pleading will be amended upon discovery of additional information.

#### **F. CAUSES OF ACTION**

11. At all relevant times, Karl Kleppinger, Jr. was in the course and scope of his employment with the Defendants. The actions and/or inactions of the Defendants, and/or its officers, agents and/or employees constitute negligence. The negligence of the Defendants was a proximate and/or producing cause of the Plaintiffs' damages.

12. Defendants owed a duty to Karl Kleppinger, Jr. to maintain the vessel in a seaworthy condition. However, Plaintiffs will show that the DEEPWATER HORIZON was unseaworthy and that said unseaworthiness was a proximate and/or producing cause of the incident and resulting damages.

#### **G. DAMAGES**

13. TRACY KLEPPINGER was the wife of Karl Kleppinger, Jr. AARON THOMAS KLEPPINGER is the minor child of Karl Kleppinger, Jr.. Plaintiffs sue for all damages to which they are entitled by law.

#### **H. REQUEST FOR DISCLOSURE**

14. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, each Defendant is requested to disclose, within fifty (50) days after service of this request upon each Defendant, the information or material described in Rule 194.2(a) through (I).

#### **I. JURY DEMAND**


15. Plaintiffs demand a trial by jury. A jury fee is being paid contemporaneously with the filing of this Petition.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that, after trial on the merits, Plaintiffs have judgment against Defendants both jointly and severally for the following:

- a. a sum in excess of the minimum jurisdictional limits of this Honorable Court;
- b. pre-judgment interest thereon at the maximum legal rate;
- c. post-judgment interest thereon at the maximum legal rate;
- d. costs of Court; and,
- e. such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

GORDON, ELIAS, & SEELY L.L.P.

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