

6. Defendant National Autopsy and Tissue Recovery Services Inc., d/b/a National Forensic Autopsy and Toxicology Services, LLC, d/b/a National Autopsy Services, LLC, (“National Autopsy”) is a Kansas corporation with its principal place of business at 827 South Topeka Boulevard, Topeka, Kansas 66612. Defendant National Autopsy is a corporation engaging in business in the State of Texas but does not maintain a regular place of business in Texas or a registered agent for service of process in Texas. The Secretary of State of Texas is therefore Defendant National Autopsy’s agent for service of process. Duplicate copies of this petition shall be served on the Secretary of the State of Texas, Service of Process, P.O. Box 12079, Austin, Texas 78711-2079. A copy of this petition and citation shall then be mailed by certified mail, return receipt requested, by the Secretary of the State of Texas to: National Autopsy and Tissue Recovery Services Inc., 827 South Topeka Boulevard, Topeka, Kansas 66612.

7. Defendant Central Texas Mortuary Management, LLC (“Mortuary”) is a limited liability company in the State of Texas with its principal place of business at 11 North 6th Street, Temple, Texas. Defendant Mortuary may be served through its registered agent for service of process, Micheal Gaskins, at 11 North 6th Street, Temple, Texas.

JURISDICTION

8. This Court has jurisdiction over this action under TEX. GOV’T CODE § 24.007 because it is a civil suit with an amount in controversy exceeding the jurisdictional limits.

9. On behalf of Plaintiffs, Plaintiffs’ counsel states that the amount of damages it seeks in monetary relief falls under TEX. R. CIV. P. § 47(c)(5). However, it is Plaintiffs’ expectation that the jury will ultimately decide the amount of damages necessary to compensate them for the harm they have suffered as a result of the Defendants’ wrongful conduct; whether

that is an amount equal to or greater or less than that range will be for the jury to decide.

VENUE

10. Venue is proper in Bell County, Texas under TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1) because a substantial part of the events and omissions giving rise to this action occurred in that county.

FACTS

11. Paul Schuessler, the husband of Plaintiff IdaNell Schuessler and the father of Eric Schuessler and Megan Young, died on January 20, 2019, in Bell County, Texas.

12. Neither the hospital where Paul Schuessler died nor the Bell County medical examiner conducted an autopsy on him, so the Plaintiffs decided to obtain a private autopsy.

13. Defendant Mortuary recommended Defendant Parcels of Defendant National Autopsy. Based on this recommendation, Plaintiffs hired Defendant Parcels and Defendant National Autopsy to perform Paul Schuessler's autopsy, which was to be conducted at Defendant Mortuary's facilities in Bell County, Texas.

14. The private autopsy of Paul Schuessler was performed at Defendant Mortuary's facilities in late January, 2019, by Defendant Parcels. Defendant Parcels had previously performed at least one other such autopsy at Defendant Mortuary's facilities.

15. In communications with Plaintiffs and their family members, Defendant Parcels referred to himself as "Professor Lynn" and stated, among other things, that he specialized in neurology and cardiology.

16. Defendant National Autopsy's website stated that its pathologists were board certified by the American Board of Pathology. However, Defendant National Autopsy does not have any staff performing autopsies other than Defendant Parcels.

17. Not only is Defendant Parcels not a board-certified pathologist or a specialist in neurology or cardiology, he is not a medical doctor of any kind.

18. Defendant Parcels is not and was not qualified to perform autopsies in the State of Texas, which Defendant Mortuary knew or should have known.

19. By performing an autopsy on Paul Schuessler, Defendant Parcels committed the criminal act of abuse of a corpse, a state jail felony pursuant to TEX. PENAL CODE § 42.08.

20. In addition, none of the Defendants obtained from the Plaintiffs the consent form required by TEX. CODE CRIM. PROC. § 49.32 et seq.

21. Naturally, Defendant Parcels and Defendant National Autopsy also never provided any autopsy report related to the autopsy Defendant Parcels performed on Paul Schuessler.

CAUSE OF ACTION 1: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

22. Alternatively, Defendant Parcels and Defendant National Autopsy acted intentionally or recklessly in committing the extreme and outrageous acts and omissions as described herein.

23. Plaintiffs suffered severe emotional distress as a proximate result of the conduct of Defendant Parcels and Defendant National Autopsy.

24. No alternative causes of action would provide remedies for the severe emotional distress caused by the conduct of Defendant Parcels and Defendant National Autopsy.

CAUSE OF ACTION 2: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

25. Alternatively, Defendant Parcels and Defendant National Autopsy acted negligently in committing the extreme and outrageous acts and omissions as described herein.

26. In addition, by performing the autopsy of Paul Schuessler without legal authority,

Defendant Parcels violated TEX. PENAL CODE 42.08. At all times material to this action, Plaintiffs belonged to that class of persons whom this statutory provision was enacted to protect. Defendant Parcels's violation of this non-conditional statutory provision constituted *negligence per se*.

27. Plaintiffs suffered severe emotional distress as a proximate result of the conduct of Defendant Parcels and Defendant National Autopsy.

28. No alternative causes of action would provide remedies for the severe emotional distress caused by the conduct of Defendant Parcels and Defendant National Autopsy.

VICARIOUS LIABILITY OF DEFENDANT MORTUARY

29. The conduct of Defendant Parcels and Defendant National Autopsy accomplished tortious results as described herein. Defendant Mortuary provided substantial assistance to these Defendants in accomplishing these tortious results. Defendant Mortuary's own conduct was a breach of its duties to Plaintiffs by virtue of its special relationship with them in providing funeral and mortuary services to them and by taking possession of the remains of Paul Schuessler. Defendant Mortuary's participation was a substantial factor in causing the tortious results as described herein. Defendant Mortuary is therefore liable for the acts and omissions of Defendant Parcels and Defendant National Autopsy.

30. Alternatively, the Defendants were a combination of two or more persons whose object was to accomplish an unlawful purpose or a lawful purpose by unlawful means. The Defendants had a meeting of the minds on the object or course of action to be accomplished. Defendant Parcels or Defendant National Autopsy committed an unlawful, overt action to further the object or course of action to be accomplished. Plaintiffs suffered damages as a result of the wrongful acts as described herein. Defendant Mortuary is therefore liable for the acts and

omissions of Defendant Parcels and Defendant National Autopsy as described herein.

31. Alternatively, Defendant Mortuary had a nondelegable duties to Plaintiffs, and Plaintiffs suffered injuries and damages as described herein as a result of Defendant Parcels and Defendant National Autopsy performing Defendant Mortuary's nondelegable duties. Defendant Mortuary is therefore liable for the acts and omissions of Defendant Parcels and Defendant National Autopsy.

32. Alternatively, the Defendants were engaged in a joint enterprise because they had an express or implied agreement, a common purpose to be carried out by the enterprise, and community of pecuniary interest in that common purpose, and an equal right to direct and control the enterprise. Defendants committed torts against the Plaintiffs as described herein while acting within the scope of this enterprise. Each defendant is therefore liable for the injuries and damages as described herein.

DAMAGES

33. As a result of Defendants' wrongful acts and omissions, Plaintiffs have sustained the following damages, for which they are entitled to recovery:

- a. damages in an amount to be determined at trial;
- b. pre- and post-judgment interest as provided by law; and
- c. costs of suit.

REQUEST FOR DISCLOSURE

34. Pursuant to TEX. R. CIV. P. 194, Plaintiffs request that Defendants disclose, within fifty days of the service of this petition and request, the information and material described in TEX. R. CIV. P. 194.2.

35. Defendants hereby provided with notice under TEX. R. CIV. P. 193.7 that all documents produced by Defendants pursuant to this disclosure request will be used at pretrial

proceedings and at trial in this case.

JURY DEMAND

36. Plaintiffs hereby request a trial by jury.

PRAYER

37. As a result of the foregoing, Plaintiffs respectfully request that Defendants be cited to appear and answer herein, and that upon final hearing they be awarded their just damages, pre- and post-judgment interest, costs, and any other relief to which they may be entitled.

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