

Marcia Bayer  
Deputy**CAUSE NO. 24-0232****PAIGE YOHN,**  
*Plaintiff,*

vs.

**CASEY SLONE CONSTRUCTION, LLC**  
*Defendant.*§  
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§**IN THE DISTRICT COURT****71<sup>st</sup> JUDICIAL DISTRICT****HARRISON COUNTY, TEXAS****THIRD PARTY PLAINTIFF'S ORIGINAL THIRD-PARTY PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CASEY SLONE CONSTRUCTION, LLC**, Third-Party Plaintiff in the above-styled and numbered cause, and files this its Original Third-Party Petition against McKinney Excavation & Services, Inc., and would respectfully show the Court as follows:

**I.**

Defendant/Third-Party Plaintiff intends to conduct discovery under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

**II.**

McKinney Excavation & Services, Inc. may be served with citation at its principal place of business/residence, 663 Harris Road, Marshall, Texas 75672, or wherever he may be located.

**III.**

In this lawsuit, Plaintiff has made claims against Casey Sloane Construction, Inc. work concerning a construction project performed next to a building located at 304 North Washington Street, Marshall, Texas. Specifically, Plaintiff is claiming that concrete demolition work resulted in damage to her building. As part of her allegations, she has asserted negligence against Third-Party Plaintiff for the demolition work. However, Third-Party Plaintiff did not perform the work in question. Instead, it contracted with McKinney Excavation & Services, Inc.

Defendant/Third-Party Plaintiff has denied and continues to deny Plaintiff's claims in this case. However, in the unlikely event that Defendant/Third-Party Plaintiff is found liable in this case, such acts and/or omissions are attributable to the work of McKinney Excavation & Services, Inc. Therefore, Defendant/Third Party Plaintiff asserts that any such issues would be the result of negligence and/or the breach of contract of McKinney Excavation & Services, Inc. Further, Defendant/Third-Party Plaintiff seeks contribution against McKinney Excavation & Services, Inc. for any damages awarded to Plaintiff against Defendant/Third-Party Plaintiff. Based on the above, Defendant/Third-Party Plaintiff asserts claims for negligence, contribution, and breach of contract, against McKinney Excavation & Services, Inc.

All conditions precedent have been met to bring this suit.

WHEREFORE, PREMISES CONSIDERED, Defendant/Third-Party Plaintiff prays that McKinney Excavation & Services, Inc. be cited to appear and answer herein, that it recover all damages owed based on the above referenced causes of action, and that the court grant such other and further relief, both special and general, in equity and at law, to which Defendant/Third-Party Plaintiff may be justly entitled.

Respectfully submitted,

**WATSON, CARAWAY,  
MIDKIFF & LUNINGHAM, LLP**

/s/James H. Fendley

James H. Fendley  
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**ATTORNEYS FOR DEFENDANT  
CASEY SLONE CONSTRUCTION, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 19th day of July 2024, a true and correct copy of the foregoing instrument has been served on all parties in accordance with Rule 21a, Tex. R. Civ. P.

/s/James H. Fendley

James H. Fendley

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Dee Black on behalf of James Fendley

Bar No. 24069713

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Envelope ID: 89991196

Filing Code Description: DEFENDANTS FIRST AMENDED ANSWER

Filing Description: Def's First Amended Answer

Status as of 7/22/2024 8:57 AM CST

Associated Case Party: Paige Yohn

Name	BarNumber	Email	TimestampSubmitted	Status
Anne Dominski		anne@joshmaness.com	7/19/2024 5:14:10 PM	SENT
Josh B.Maness		josh@joshmaness.com	7/19/2024 5:14:10 PM	SENT

Associated Case Party: Casey Slone Construction LLC

Name	BarNumber	Email	TimestampSubmitted	Status
James H.Fendley		jfendley@watsoncaraway.com	7/19/2024 5:14:10 PM	SENT
Dee Black		dblack@watsoncaraway.com	7/19/2024 5:14:10 PM	SENT
Casey Slone		casey@caseysloneconstruction.com	7/19/2024 5:14:10 PM	SENT