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Joanna Staton, District Clerk
District Court - Bell County, TX
by MaryBeth DeLeon , Deputy

CAUSE NO. 26DCV360397

LYLE BOMAR and TAWYLA DISERENS, individually, and as CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF ROMI BOMAR, deceased,	§	IN THE DISTRICT COURT
Plaintiffs,	§	146th JUDICIAL DISTRICT
vs.	§	
TEXAS DEPARTMENT OF TRANSPORTATION,	§	
Defendant.	§	BELL COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs Lyle Bomar and Tawyla Diserens, individually, and as co-personal representatives of the Estate of Romi Bomar, deceased ("Plaintiffs"), respectfully file their Original Petition against Defendant Texas Department of Transportation ("Defendant") and respectfully show the Court as follows:

I. DISCOVERY LEVEL

1. Plaintiffs intend to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.4 and affirmatively plead that this suit is not governed by the expedited actions process in Rule 169 because Plaintiffs seek monetary

relief of more than $1,000,000.00 at this time. Plaintiffs implicitly trust the judgment of the good and fair jury as the representatives of Bell County. Ultimately, the Plaintiffs will ask a jury to assess a fair and reasonable number of monetary damages as compensation for the serious injuries and losses caused by the acts and omissions of the Defendant. Plaintiffs reserve the right to amend this claim for relief should it become necessary at some time in the future.

II. PARTIES

2. Plaintiff Lyle Bomar, individually, and as personal representative of the Estate of Romi Bomar, deceased ("Mr. Bomar"), is an individual residing in Coryell County, Texas. Mr. Bomar is Romi Bomar's father. The last three numbers of his Texas driver's license number are 388. The last three numbers of his Social Security number are 659.

3. Plaintiff Tawyla Diserens, individually, and as personal representative of the Estate of Romi Bomar, deceased ("Ms. Diserens"), is an individual residing in Coryell County, Texas. Ms. Diserens is Romi Bomar's mother. The last three numbers of her Texas driver's license number are 045 The last three numbers of her Social Security number are 087.

4. Defendant Texas Department of Transportation ("TxDOT") is a governmental unit of the State of Texas. TxDOT may be served with process

by serving citation and a copy of the petition upon its Executive Director, Marc D. Williams, at 125 East 11th Street, Austin, Texas 78701.

III. JURISDICTION & VENUE

5. The Court has subject matter jurisdiction over this lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional requirements.

6. Venue is proper in Bell County under TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002 because all or a substantial part of the events occurred in Bell County.

IV. FACTS

7. State Highway 36 (hereinafter, "SH 36") is a state-maintained highway and is under the exclusive jurisdiction, ownership, control, and maintenance of the Texas Department of Transportation.

8. This case involves an area of SH 36 located approximately twenty miles west of Temple, Texas, between Owl Creek Road and Burgandy Lane in Bell and Coryell Counties, Texas.

9. This particular stretch of highway contains a dangerous curve publicly recognized and acknowledged by Defendant and its law enforcement partners to be known as a recurring location for crashes, particularly when the roadway surface becomes wet or saturated.

10. At all times material hereto, Defendant had actual and constructive notice that the subject stretch of SH 36 presented an unreasonable risk of harm to motorists.

11. On September 24, 2025, at approximately 10:30 a.m., Romi JoLee Bomar ("Ms. Bomar") was traveling eastbound on SH 36 in her 2014 Jeep. It was raining, and the roadway was wet. Location and speed data from the Life360 application on Ms. Bomar's phone confirmed she was traveling at approximately 60 to 62 miles per hour—well within the posted 75 miles per hour speed limit. As Ms. Bomar navigated the dangerous curve, she hydroplaned, lost control of her vehicle, and crossed into the westbound lane.

12. Ms. Bomar's Jeep, out of control from the poorly constructed and maintained section of SH 36, collided head-on with a 2012 Ford F-350 pickup truck traveling westbound on SH 36. As a result of the Defendant's negligence, Ms. Bomar suffered significant and fatal injuries. Ms. Bomar died due to the injuries caused by Defendant's negligence.

13. Ms. Bomar was an 18-year-old resident of Gatesville, Coryell County, Texas, when she tragically lost her life in the crash on SH 36 on September 24, 2025. At the time of the crash, Ms. Bomar was driving to college. Ms. Bomar was a young woman on the threshold of her adult life. She was the beloved daughter of Plaintiff Lyle Bomar and Plaintiff Tawyla Diserens.



First responders at the scene of the crash

14. In the year of Ms. Bomar's fatal crash, at least a dozen motor vehicle crashes had already occurred along the same stretch of SH 36. Notably, months before Ms. Bomar's death, another motorist was killed on the same stretch of highway after colliding head-on with a truck in wet road conditions. Texas Department of Public Safety Sergeant Bryan Washko publicly acknowledged to local media that it is "not uncommon" for crashes to occur in this area, especially when the roadway is wet.

15. Defendant's negligence and gross negligence in designing, constructing, repairing, and maintaining this dangerous section of SH 36, directly and proximately caused Ms. Bomar serious injuries and damages leading to her death.

V. CAUSES OF ACTION

16. Plaintiffs incorporate by reference all allegations set forth in the preceding paragraphs.

A. Negligence against Texas Department of Transportation

17. Plaintiffs' claims against Defendant Texas Department of Transportation are brought under the Texas Tort Claims Act (TTCA) of the TEXAS CIVIL PRACTICE AND REMEDIES CODE Chapter 101. The relevant portion of TTCA provides that a governmental unit in this state is liable for personal injury so caused by a condition if the governmental unit would, were it a private person, be liable to the Plaintiffs under Texas law. *See* TEX. CIV. PRAC. REM. CODE §101.021. No exception to this waiver of immunity applies to this case, and Defendant Texas Department of Transportation has actual written notice of this claim.

18. At all times pertinent herein, Defendant Texas Department of Transportation was responsible for the ownership, maintenance, and control of the roadway surface, drainage, signage, and safety conditions on State Highway 36, including the dangerous stretch of SH 36 between Owl Creek Road and Burgandy Lane in Bell and Coryell Counties, Texas.

19. At all times pertinent herein, Defendant Texas Department of Transportation had such control over the roadway and dangerous conditions described above. Defendant owed a duty of reasonable care to the Plaintiffs.

20. Plaintiffs' injuries were proximately caused by Defendant Texas Department of Transportation's negligent, careless, and reckless disregard of said duty.

21. The negligent, careless, and reckless disregard of their duty by Defendant Texas Department of Transportation consisted of, but is not limited to, the following acts and omissions:

a) Failing to properly maintain the roadway surface of SH 36 in a safe condition;

b) Failing to remediate or repair the danger at this stretch of SH 36 in a reasonable time;

c) Failure to give any warning to unsuspecting drivers of the unreasonably dangerous and unsafe condition;

d) Failing to take any action to eliminate or reduce the unreasonable risk of danger presented by the condition of the highway; and

e) Failing to reduce the posted speed limit or implement interim traffic control measures on the subject stretch of SH 36 during or in anticipation of wet weather conditions, despite actual knowledge of the recurring crash history at this location.

B. Premise Liability Against Texas Department of Transportation

22. Defendant Texas Department of Transportation had a duty to maintain and correct the dangerous condition of the roadway on the subject stretch of SH 36, more fully described above. Defendant Texas Department of Transportation knew or reasonably should have known of the danger. Despite having actual and constructive knowledge of the unsafe condition of the

roadway, Defendant Texas Department of Transportation failed to take action within a reasonable time to repair the dangerous condition. The failure to repair the dangerous condition within a reasonable amount of time posed an unreasonable risk of harm in that a reasonably prudent person would have foreseen that the event that did occur or some similar event was likely to occur. The Defendant did not exercise a reasonable degree of care to mitigate, reduce, or eliminate the risk.

23. The negligent and reckless acts and omissions of Defendant Texas Department of Transportation consisted of the following:

a) Failing to properly maintain the roadway surface of SH 36 in a safe condition;

b) Failing to repair the dangerous roadway condition within a reasonable time;

c) Failure to give any warning to unsuspecting drivers of the unreasonably dangerous and unsafe condition; and

d) Failing to take any action to eliminate or reduce the unreasonable risk of danger presented by the condition of subject stretch of SH 36.

VI. DAMAGES

24. Plaintiffs would show that, as a result of the negligence of Defendant, and possibly others, and the gross negligence of Defendant, and possibly others, Ms. Bomar experienced pain, suffering, physical impairment, disfigurement, and/or mental anguish in the past, and the loss of her life.

25. In addition, to the extent Plaintiffs are entitled to recover same, Plaintiffs, as a direct and proximate result of Defendant's negligence and the resulting injuries, have incurred the following damages:

a. Reasonable and necessary medical expenses in the past;

b. Physical pain suffered in the past;

c. Mental anguish suffered in the past;

d. Physical impairment in the past;

e. Scarring or disfigurement suffered in the past;

f. Conscious pain and suffering in the past; and,

g. Loss of household services in the past.

26. Plaintiffs have been made to suffer and sustain, at the hands of Defendant, and possibly others, damages within the jurisdictional limits of this Court and in such amount as the evidence may show proper at the time of trial.

VII. WRONGFUL DEATH

27. Plaintiffs incorporate all the allegations set forth in the preceding and subsequent paragraphs hereof as if set forth verbatim herein.

28. Plaintiffs are the surviving parents of Romi JoLee Bomar. Ms. Bomar died as a result of the wrongful conduct of Defendant and possibly others.

29. Defendant's conduct that caused Ms. Bomar's untimely death was a producing cause of the injury to Plaintiffs, which resulted in damages. There

are other persons and entities whose actions and omissions were likely a producing cause of injury to Plaintiffs. Pursuant to TEX. CIV. P. & REM. CODE §§ 71.002(b), 71.004(b), 71.009, and 71.010, Plaintiffs, including Mr. Bomar and Ms. Diserens, are entitled to recover from Defendant the actual damages attributable to the wrongful death of Ms. Bomar, including, but not limited to, loss of companionship and society, loss of consortium, mental anguish, loss of inheritance, loss of future service, court costs, pre-judgment interest and post-judgement interest, and/or pecuniary losses, including, but not limited to, expenses for psychological treatment and funeral expenses.

30. Plaintiffs seek unliquidated damages within the jurisdictional limits of this Court.

VIII. SURVIVAL ACTION

31. Plaintiffs incorporate all the allegations set forth in the preceding and subsequent paragraphs hereof as if set forth verbatim herein.

32. Mr. Bomar and Ms. Diserens are the surviving parents of Ms. Bomar and are the heirs to the estate of Ms. Bomar. Ms. Bomar would have been entitled to bring this action against Defendant, if she had lived.

33. Ms. Bomar, before dying, had a cause of action for the personal injuries sustained as a result of the negligence and gross negligence of Defendant, and possibly others, which could have been brought against Defendant by Ms. Bomar. Defendant's wrongful acts and/or omissions caused

Ms. Bomar's injuries and subsequent death. Additionally, there may be other persons and entities whose wrongful acts and/or omissions may have caused Ms. Bomar's injuries and subsequent death. Pursuant to TEX. CIV. PRAC. & REM. CODE § 71.021, this action for the personal injuries sustained by Ms. Bomar survives her death. This statute permits Mr. Bomar and Ms. Diserens, in their capacity as the heirs to the estate of Ms. Bomar, to prosecute and recover compensatory and exemplary damages for the claims set forth above.

34. Accordingly, Plaintiffs seek such damages under TEX. CIV. PRAC. & REM. CODE § 71.021, including, but not limited to, damages suffered by Ms. Bomar, Ms. Bomar's estate, reasonable medical care and expenses, the mental anguish and pain and suffering of Ms. Bomar, funeral expenses, exemplary damages, pre-judgment and post judgment interest, and court costs.

35. Plaintiffs seek economic and non-economic damages within the jurisdictional limits of this Court.

IX. GROSS NEGLIGENCE and EXEMPLARY DAMAGES

36. Plaintiffs incorporate all the allegations set forth in the preceding and subsequent paragraphs hereof as if set forth verbatim herein.

37. Defendant's acts and/or omissions described above, when viewed from the standpoint of Defendant at the time of the act and/or omission, involved an extreme degree of risk, considering the probability and magnitude of potential harm to Ms. Bomar and others. Defendant had actual, subjective

awareness of the risks involved in the above-described acts and/or omissions, but nevertheless, proceeded with conscious indifference to the rights, safety, and/or welfare of Ms. Bomar and others by creating and/or allowing a dangerous and unsafe condition to pose a risk to others. Therefore, Plaintiffs' damages resulted from Defendant's gross negligence, which entitles Plaintiffs to exemplary damages under TEX CIV. PRAC. & REM. CODE § 41.003(a).

X. PRE-JUDGMENT AND POST-JUDGMENT INTEREST

38. Plaintiffs herein claim interest in accordance with TEXAS FINANCE CODE § 304.001 et seq. and any other applicable laws for pre-judgment and post-judgment interest for all elements of damages for which such interest is allowed.

XI. JURY DEMAND

39. The Plaintiffs demand a jury trial and tender the appropriate fee with the filing of this Petition.

XII. CONDITIONS PRECEDENT

40. All conditions precedent, if any, to the Plaintiffs' causes of action asserted herein have either occurred, been performed, been waived, or been excused.

XIII. NOTICE PURSUANT TO TEXAS RULE OF CIVIL PROCEDURE 193.7

41. Plaintiffs hereby reserve the right to use any and all documents produced by each party in discovery against that party in any pre-trial hearing or at trial of this matter.

XIV. RESERVATION OF RIGHTS AND CLAIMS

42. Plaintiffs hereby reserve their rights to pursue all potential causes of action against Defendant. This section will also put Defendant on notice of the Plaintiffs' intention to serve discovery to investigate these claims.

XV. PRAYER

43. WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that Defendant be cited to appear and answer herein, and that this case be tried before the Court and a Jury, after which Plaintiffs recover:

a. judgment against Defendant for the Plaintiffs' economic and non-economic damages as set forth above in an amount within the jurisdictional limits of this Court;

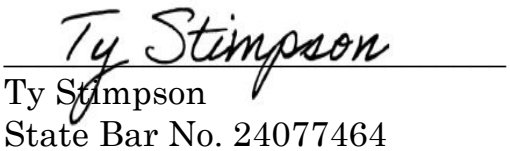
b. pre-judgment interest at the maximum amount allowed by law;

c. post-judgment interest at the maximum rate allowed by law;

d. case costs and expenses of suit; and

e. such other and further relief, at law or in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,



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Katie Mast on behalf of Ty Stimpson
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Filing Code Description: Petition
Filing Description: PLAINTIFFS' ORIGINAL PETITION BY STIMPSON
Status as of 3/19/2026 7:36 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
TyAnthony Stimpson	24077464	litigation@versusinjury.com	3/18/2026 10:09:21 AM	NOT SENT