

Victim's family sues over bus crash

■ Negligence cited in fatal rollover on Jan. 2 near Victoria

By **TERRI LANGFORD**
HOUSTON CHRONICLE

The family of the man killed in a bus rollover south of Victoria filed a lawsuit Tuesday against the bus operator, owner and driver, claiming their negligence led to the crash.

The wife and family of Pablo M. Mendez are seeking unspecified damages in the lawsuit filed in Houston by their attorney, Richard Mithoff.

"This is a tragedy for the Mendez family," said Mithoff, who represented the families of six victims killed in a 2005 bus crash outside Dallas during the Hurricane Rita evacuation.

Mendez and his wife, Rosabla, along with their daughter, Veronica Mendez, were among 47 passengers traveling back to Houston from Monterrey, Mexico, in the pre-dawn hours of Jan. 2 aboard a bus operated by Houston-based International Charter Service when it veered off U.S. 59 and rolled over.

Driver exhausted

The Texas Department of Public Safety determined last week that driver Roberto Garcia Cruz, employed by the bus owner, Capricorn Bus Lines of Houston, should not have driven because he was too tired



TERRI LANGFORD : CHRONICLE

AFTERMATH: Federal safety officials held a news conference Jan. 4 to discuss the accident on U.S. 59.

to operate the commercial vehicle.

DPS determined a sleepy Cruz overcorrected after the bus veered off the road, causing it to land on its side.

Capricorn, which offers daily bus trips to Monterrey from Houston, leased its bus out to ICS on the day of the wreck. Although Capricorn owns the bus, ICS has what is known as the "operating authority" over the bus.

The Mendez lawsuit alleges Capricorn and International

Charter failed to adequately screen, test and qualify its drivers as well as failing to train and supervise them properly.

A second bus operator — Transportes Chavez — was named as a fourth defendant in the Mendez family suit.

It is not clear how the company is connected. Both ICS and Transportes Chavez share offices in Houston, but the two are separately owned.

"People are crazy," said Juan Chavez, owner of Transportes Chavez. "Chavez ain't got noth-

ing to do with it. . . . I think they'll find nothing. You know the lawyers are sneaky."

A message left at Capricorn Bus Lines offices in Houston was not immediately returned.

In addition to Mendez's death, dozens of other passengers, including the dead man's wife and daughter, were injured in the accident.

The crash is being investigated by the National Transportation Safety Board.

terri.langford@chron.com