

2.1 Plaintiff, Manuel Souza, is an individual who resides in Houston, Harris County, Texas. This plaintiff may be reached through undersigned counsel at KHERKHER GARCIA, LLP.

2.2 Defendant Scoremore, LLC, is a limited liability company registered to conduct business in Texas and having its principal office, principal place of business, and corporate headquarters located at 5704 West Highway 290, Austin, TX 78735. One or more of this defendant's members are citizens of Texas. Therefore, this defendant is a citizen of Texas. This defendant conducts a substantial amount of business in Texas on a continuous and systematic basis. Defendant Scoremore, LLC may be served with process through its registered agent, Sascha Gutfreund, 5704 West Highway 290, Austin, TX 78735. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.3 Defendant, Scoremore Holdings, LLC, is a limited liability company registered to conduct business in Texas and having its principal office, principal place of business, and corporate headquarters located at 5704 West Highway 290, Austin, TX 78735. One or more of this defendant's members are citizens of Texas. Therefore, this defendant is a citizen of Texas. This defendant conducts a substantial amount of business in Texas on a continuous and systematic basis. Defendant Scoremore Holdings, LLC may be served with process through its registered agent, Corporate Creations Network, Inc., 5444 Westheimer #1000, Houston, TX 77056. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.4 Defendant, Scoremore MGMT, LLC, is a limited liability company registered to conduct business in Texas and having its principal office, principal place of business, and corporate

headquarters located at 5704 West Highway 290, Austin, TX 78735. One or more of this defendant's members are citizens of Texas. Therefore, this defendant is a citizen of Texas. This defendant conducts a substantial amount of business in Texas on a continuous and systematic basis. Defendant Scoremore MGMT, LLC may be served with process through its registered agent, Sascha Gutfreund, 5704 West Highway 290, Austin, TX 78735. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.5 Defendant, Sascha Stone Gutfreund, is an individual who resides at 12208 Prtolina Dr, Austin, TX 78739. This defendant is the manager of Scoremore Defendants. This defendant undertook and had an independent duty of care to ensure a safe concert and safe concert operations as well as to screen and vet concert personnel to ensure they were properly experienced, trained, and otherwise qualified to conduct safe concert operations, having been personally involved in the same. He may be served at that address or wherever he may be found. Plaintiff requests a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.6 Defendant, Live Nation Worldwide, Inc., is a corporation registered to conduct business in Texas and conducting a substantial amount of business in Texas on a continuous and systematic basis. Defendant Live Nation Worldwide, Inc., may be served with process through its registered agent, Corporate Creations Network, Inc., 5444 Westheimer #1000, Houston, TX 77056. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.7 Defendant, Live Nation Entertainment, Inc., is a corporation registered to conduct business in Texas and conducting a substantial amount of business in Texas on a continuous and systematic basis. Defendant Live Nation Entertainment, Inc., may be served with process through its registered agent, Corporate Creations Network, Inc., 5444 Westheimer #1000, Houston, TX 77056. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.8 Defendant, Live Nation Marketing, Inc., is a corporation registered to conduct business in Texas and conducting a substantial amount of business in Texas on a continuous and systematic basis. Defendant Live Nation Marketing, Inc., may be served with process through its registered agent, Corporate Creations Network, Inc., 5444 Westheimer #1000, Houston, TX 77056. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.9 Defendant, Darryl Platt, is an individual who resides at 2614 Sunshade Ct, Pearland, TX 77584. This defendant is thus a Texas citizen. He may be served at that address or wherever he may be found. This defendant is the director of operations for the Live Nation Defendants in Houston. This defendant undertook and had an independent duty of care to ensure a safe concert and safe concert operations as well as to screen and vet concert personnel to ensure they were properly experienced, trained, and otherwise qualified to conduct safe concert operations, having been personally involved in the same. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.10 Defendant, ASM Global Parent, Inc., is a corporation registered to conduct business in Texas and conducting a substantial amount of business in Texas on a continuous and systematic basis. Defendant ASM Global Parent, Inc., may be served with process through its registered agent, Corporation Service Company dba CSC - Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.11 Defendant, ASM Global, LLC, is a limited liability company registered to conduct business in Texas and conducting a substantial amount of business in Texas on a continuous and systematic basis. Defendant ASM Global LLC, may be served with process through its registered agent, Corporation Service Company dba CSC - Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.12 Defendant, Mark Miller, is an individual who resides at 10060 Plantation Mill Pl, Apt. P, Missouri City, Texas 77459. This defendant is thus a Texas citizen. This defendant is the general manager of NRG Park and an executive with ASM Global in Houston. This defendant undertook and had an independent duty of care to ensure a safe concert and safe concert operations as well as to screen and vet concert personnel to ensure they were properly experienced, trained, and otherwise qualified to conduct safe concert operations, having been personally involved in the same. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.13 Defendant, Keith Butler, is an individual who resides at 14238 Royal Hill Dr., Houston, Texas 77083. This defendant is thus a Texas citizen. This defendant is the senior manager of NRG Park accounts with ASM Global in Houston. This defendant undertook and had an independent duty of care to ensure a safe concert and safe concert operations as well as to screen and vet concert personnel to ensure they were properly experienced, trained, and otherwise qualified to conduct safe concert operations, having been personally involved in the same. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.14 Defendant, Trey Hicks, is an individual who resides at 2602 Broken Oak Dr, Austin, TX 78745. This defendant is thus a Texas citizen. He may be served at that address or wherever he may be found. Plaintiffs request a citation. On information and belief, this defendant does business under the assumed names, “Trey Hicks Public Relations, “Trey Hicks PR,” and/or “THPR.” Plaintiff additionally asserts all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.15 Defendant, Jacques Bermon Webster II a/k/a Travis Scott is an individual who resides in Harris County, Texas. This defendant is thus a Texas citizen. He may be served at his residence address or wherever he may be found. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

2.16 Defendant, Cactus Jack Records, LLC, is a Texas limited liability company registered to conduct business in Texas and conducting business in Texas on a continuing and

systematic basis. At least one member of this company is a Texas citizen. This defendant is thus a Texas citizen. Cactus Jack records, LLC may be served with process through its registered agent, eResidentAgent, Inc., 823 Congress Avenue, Suite P-4, Austin, TX 78701. Plaintiffs request a citation. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in its true name, if it differs from that outlined above.

III. JURISDICTION & VENUE

3.1 This Court has jurisdiction of the subject matter of this action, and the amount in controversy is above its minimum jurisdictional limits. All other jurisdictional prerequisites and conditions precedent to suit have been met.

3.2 This Court has personal jurisdiction over Defendants because all or a substantial part of the events giving rise to this dispute occurred in Texas, and this lawsuit arises out of a tort defendants committed in Texas. This Court otherwise has personal jurisdiction over Defendants because they are citizens of Texas, conduct a substantial amount of business in Texas, and/or have continuous, systematic contacts with Texas.

3.3 This case cannot be removed to federal court because no federal question exists, at least one defendant is a citizen of Texas, and complete diversity does not exist between the parties. *See* 28 U.S.C. § 1441. Removal would therefore have no basis in law or fact, and an improper removal would subject Defendant to an award of costs, expenses, and fees, including, but not limited to, attorney's fees under 28 U.S.C. § 1447(c).

3.4 Venue is proper in Harris County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002(a) because the events giving rise to this action occurred in whole or substantial part in this county. Further, Harris County is a convenient forum and venue to Defendant, maintaining

this litigation in this forum would not work a substantial injustice on Defendant, and the interests of justice dictate that this litigation be maintained in this forum and venue.

IV. FACTUAL BACKGROUND

4.1 On November 5, 2021, a horrible—yet predictable and preventable—tragedy struck the Astroworld Festival at NRG Park in Houston. Defendants are the owners, operators, promoters, public relations representatives, and/or organizers of the concert and/or owners and operators of the premises. Defendants, individually and collectively, all had and assumed the duty and responsibility for ensuring safe concert operations. Defendants, individually and collectively, further made representations to concertgoers that “safety and security are always our top priority” and that they would “ensure a safe, secure, and positive environment is provided for all attendees, artists, and staff.” Tragically, due to Defendants’ motivation for profit at the expense of concertgoers’ health and safety, and due to their encouragement of violence, at least 8 people lost their lives and scores of others were injured at what was supposed to be a night of fun.

4.2 On November 5, 2021, Plaintiff attended the Astroworld Festival at NRG Park in Houston, Harris County, Texas. Plaintiff paid for a ticket and legally entered NRG Park at the invitation of Defendants. Plaintiff suffered serious bodily injuries when the uncontrolled crowd at the concert knocked him to the ground and trampled him.

4.3 Plaintiff’s injuries were the inevitable and predictable result of Defendants’ conscious disregard of the extreme risks of harm to concertgoers that had been escalating since hours earlier. Earlier in the day, concertgoers breached a security gate around the park, stampeded into the premises, and trampled over one another:¹

¹ <https://www.cnn.com/2021/11/06/us/houston-astroworld-festival/index.html>;
<https://abc13.com/astroworld-festival-travis-scotts-houston-crowds-trampled/11202546/>



Yet Defendants made the conscious decision to let the show to go on, despite the extreme risks of harm to concertgoers.

4.4 Later, several times during the ongoing show performed by Defendant Jacques Webster a/k/a Travis Scott on the evening of November 5, emergency vehicles literally drove through the massive crowd to render aid to concertgoers who had suffered serious obvious injury:²

² <https://www.cnn.com/2021/11/06/us/houston-astroworld-festival/index.html>



This was against a backdrop of multiple reports of trappings, patrons losing consciousness, patrons being unable to breath due to profound lack of crowd control, inadequate water, inadequate security, and a lack of exit routes. So many people were hurt, and so few emergency personnel were provided by Defendants, that patrons themselves had to conduct CPR on their fellow concertgoers. Yet Defendants made the conscious decision to let the show go on, despite the extreme risk of harm to concertgoers that was escalating by the moment.

4.5 Eventually, due to Defendants' active decision to let the show go on, the scene devolved into a complete melee, resulting in the needless, untimely death of at least 8 people and injuries to scores of others:



4.6 This tragedy was months, if not years, in the making. On May 5, 2021, in response to fan complaints about the concert quickly selling out, Defendant Jacques Webster a/k/a Travis Scott tweeted, “WE STILL SNEAKING THE WILD ONES IN. !!!!!”.³



This recklessly encouraged fans to breach the barriers and otherwise actively encouraged a culture of violence.

³ https://www.reddit.com/r/travisscott/comments/qnwig4/dont_take_this_shit_down/

4.7 At the prior Astroworld Festival in 2019 at NRG Park, the same “bum rushing” phenomenon was well documented, in which fans breached security barriers and trampled over one another to gain entry into the premises, resulting in injuries.⁴

4.8 This kind of behavior has long been encouraged by the festival’s founder and main performer, Defendant Jacques Webster a/k/a Travis Scott. Scott actively encourages his fans to “rage” at his concerts.⁵ His express encouragement of violence has previously resulted in serious violence at numerous past concerts.

- In 2015, he was arrested for disorderly conduct in Chicago for inciting violence at a concert by encouraging fans to breach barricades;⁶
- In 2017, he was arrested and for inciting a riot in Arkansas at a concert;⁷
- In 2017, a fan was paralyzed at a Scott concert in New York City after a raucous crowd incited by Scott pushed the fan off a balcony.

4.9 All of this was known to Defendants at all relevant times, and in no event prior to the time the first patron entered NRG Park on November 5, 2021.

4.10 Defendants failed to properly plan and conduct the concert in a safe manner. Instead, they consciously ignored the extreme risks of harm to concertgoers, and, in some cases actively encouraged and fomented dangerous behaviors. Their gross negligence caused Plaintiff serious injuries. Plaintiff has therefore been damaged far in excess of the jurisdictional limits of this Court.

⁴ <https://abc13.com/astroworld-2019-injuries-houston/5686133/>

⁵ <https://www.gq.com/story/rage-rapper-travis-scott;>
<https://www.vibe.com/music/music-news/travis-scott-teaches-us-how-to-rage-367088/>

⁶ <https://economictimes.indiatimes.com/magazines/panache/travis-scott-arrested-during-concert/articleshow/48327659.cms?from=mdr>

⁷ <https://apnews.com/article/853726537b3a4849aa968ded4937ca40>

V.
NEGLIGENCE OF DEFENDANTS

5.1 Plaintiffs incorporate all other paragraphs by reference here fully.

5.2 Plaintiffs would show that Defendants had ownership and/or control over the instrumentality and/or activities in question and thus had a duty to exercise the degree of care that a person of ordinary prudence would use to avoid harm under circumstances similar to those described herein.

5.3 Plaintiffs' injuries were proximately caused by Defendant's negligent, careless and reckless disregard of this duty.

5.4 The negligent, careless, and reckless disregard and breach of this duty consisted of, but is not limited to, the following acts and omissions:

- a. failing to provide a safe environment for concertgoers;
- b. failing to perform concert operations in a safe, reasonable, and prudent manner;
- c. failing to maintain, follow, and enforce policies and procedures for safe concerts and concert operations;
- d. failing to recognize and remediate known safety hazards;
- e. failing to provide proper, safe equipment and competent personnel;
- f. failing to provide adequate security personnel;
- g. failing to provide adequate medical personnel;
- h. failing to institute precautionary measures to protect concertgoers;
- i. failing to maintain safety equipment in good working order;
- j. violating industry standards and best practices for safe concerts, concert operations, concert ingress/egress, and concert crowd control;
- k. failing to properly train, supervise, monitor and retain employees and contractors;

- l. failing to adequately warn or make safe dangers or conditions of which Defendant had actual or constructive knowledge;
- m. failing to use ordinary care as a reasonable company would under the same or similar circumstances;
- n. undertaking duties to provide a safe concert and safe concert operations and negligently executed such duties, to the detrimental reliance of concertgoers;
- o. undertaking and assuming a duty to make safe dangerous conditions on the premises, and failing to use reasonable care in doing so;
- p. undertaking a duty to screen and vet concert personnel to ensure they were properly experienced, trained, and otherwise qualified to conduct safe concert operations
- q. undertaking a duty to ensure that the concert was conducted consistent with safe operating practice
- r. Creating a dangerous condition and failing to prevent injury to others, where it reasonably appeared or should have appeared to Defendant that Plaintiff, in exercise of their lawful rights, were likely to have been injured by creation of such dangerous situation, and failing to correct, make safe, or adequately warn about this condition;
- s. such additional acts of negligence and gross negligence, which will be established as this case progresses.

5.5 Plaintiffs further assert the doctrine of *res ipsa loquitur*.

VI. GROSS NEGLIGENCE OF DEFENDANTS

6.1 Plaintiffs incorporate all other paragraphs by reference here fully.

6.2 The acts or omissions described above, when viewed from Defendant's standpoint, involved an extreme degree of risk considering the probability and magnitude of the potential harm to Plaintiffs and others. Defendants had actual, subjective awareness of this risk but proceeded with conscious indifference to the rights, safety, and welfare of Plaintiffs and others.

6.3 Plaintiffs would further show that the injuries and damaged that Plaintiffs sustained as a result of the incident in question were caused by the gross negligence of Defendant acting by

and through their employees, agents, officers and representatives in the course and scope of their employment for said Defendant. Plaintiffs would further show that Defendant ratified and failed to repudiate their agents' gross negligence.

6.4 As such, Defendant is grossly negligent and should be subjected to exemplary damages.

VII. DAMAGES

7.1 Plaintiffs seeks recovery of the following damages, where were a direct and proximate result of the occurrence made the basis of this lawsuit and Defendants' acts and omissions outlined above:

- a. physical pain and suffering in the past;
- b. physical pain and suffering that will in all likelihood will be sustained in the future;
- c. mental anguish sustained in the past;
- d. mental anguish sustained that will in all likelihood will be sustained in the future;;
- e. reasonable and necessary medical expenses incurred in the past;
- f. reasonable and necessary medical expenses that will in all likelihood be incurred in the future;
- g. exemplary damages; and
- h. any and all other damages to which Plaintiff is justly entitled as shown through the course of this proceeding.

VIII.
RULE 47 STATEMENT OF MONETARY RELIEF SOUGHT

8.1 Plaintiffs prefer that the jury determine the fair amount of compensation for Plaintiffs' damages. It is too early in this case to be assessing the full nature and scope of Plaintiffs' damages, and Plaintiffs place the decision regarding the amount of compensation to be awarded in the jury's hands. Rule 47 of the Texas Rules of Civil Procedure, however, requires Plaintiffs to provide a statement regarding the amount of monetary relief sought. Accordingly, Plaintiffs state that monetary relief of over \$1,000,000, in an amount to be determined by the jury, is being sought.

IX.
RULE 193.7 NOTICE

9.1 Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiffs hereby give notice that Plaintiffs intend to use all discovery instruments produced in this case at trial. Such discovery documents include, but are not limited to, all documents Defendants have produced in response to Plaintiffs' written discovery requests.

X.
NOTICE TO PRESERVE EVIDENCE

10.1 Plaintiffs hereby request and demand that Defendant and its agents, attorneys, and insurers preserve, maintain, and place a litigation hold on all documents, communications, tangible things, and electronically stored information that arise out of or relate to the incident made the basis of this suit. Plaintiff further requests and demands that Defendant not destroy, alter, move, modify, reconfigure, replace, destroying, or discard of any portions of the premises, the premises' appurtenances, any equipment that was involved in or present at the subject property at the time of the incident in question, and any other physical evidence, documents, communications, and electronically stored information (ESI) related to the subject concert. Defendants should preserve

all phones, tables, and other electronic devices. Failure to maintain such items will constitute “spoliation” of the evidence and may subject Defendants to sanctions.

**XI.
DUTY TO DISCLOSE**

11.1 Pursuant to Texas Rule of Civil Procedure 194.1, Defendant is required to provide the information or material described in Rule 194.2, 194.3 and 194.4 without awaiting a discovery request from Plaintiff.

**XII.
DEMAND FOR JURY TRIAL**

12.1 Plaintiffs hereby demand a jury trial on this matter and tender the appropriate jury fee.

**XIII.
APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND INJUNCTIVE RELIEF**

13.1 Based on reasonable information and belief, Plaintiffs assert that Defendants may change, alter, destroy or modify the evidence related to this tragedy. Pursuant to Texas Rule of Civil Procedure 680, Plaintiffs ask this Court to issue a temporary restraining order prohibiting Defendant from altering, moving, modifying, reconfiguring, replacing, destroying, or disposing of the subject premises, and its fixtures and improvements, as they existed on November 5, 2021, including, but not limited to, the stage infrastructure, barricades, vehicles, permits, documents, electronically stored information, surveillance footage, and all equipment and appurtenances near and/or involved with the incident in question until Plaintiffs are given an opportunity to inspect such evidence. This evidence constitutes tangible, relevant evidence materially related to the incident complained of having injured Plaintiffs. In order for Plaintiffs to properly investigate and pursue their claims, and recover damages and see that justice is done, this Court should restrain

Defendant, its agents, servants, employees, contractors, contract employees, attorneys, affiliates, and those acting in concert with or in representation of said Defendant from changing altering, destroying, or modifying any evidence related to the injuries and fatalities arising from the concert.

13.2 If Defendant is permitted to change, alter, destroy, or modify any evidence related to this incident, Plaintiffs will lose the opportunity to inspect the evidence, and will be unable to prosecute their claim, and, as a result, Plaintiffs will be deprived of adequate remedies at law. Defendant is incapable of responding in monetary damages if the evidence is not preserved because Plaintiffs would then have no evidence to demonstrate such wrongful actions. Upon granting of the Temporary Restraining Order, Plaintiffs will post bond, as necessary.

13.3 There is no adequate remedy at law available to Plaintiffs to prevent the Defendant from changing, altering, modifying, or destroying evidence, unless the Court grants immediate relief restraining such conduct. Plaintiffs prays that this Court enter a Temporary Restraining Order preserving the status quo by restraining Defendants from in any way changing, altering, destroying, or modifying the evidence related to the injuries and fatalities arising from the concert, including, but not limited to, the subject premises, and its fixtures and improvements, as they existed on November 5, 2021, including, but not limited to, the stage infrastructure, barricades, vehicles, permits, documents, electronically stored information, surveillance footage, and all equipment and appurtenances near and/or involved with the incident in question until Plaintiffs are given an opportunity to inspect such evidence. Plaintiffs also seeks an order preserving:

- Any and all photographs and videos of the scene of the incident, parties involved, the premises, and/or equipment involved in the incident;
- Any and all documents or communications regarding the scene of the incident, parties, premises, and/or equipment involved in the incident;

- Any and all documents or records relating to the incident, including but not limited to OSHA records or records exchanged with any other governmental agency in connection with the incident in question;
- Any and all emails, electronic data, documents, statements, diaries, calendar entries, memos, incident reports, call slips or telephone messages, text messages, facsimiles, voicemail messages and correspondence related to the incident;
- Any and all operational logs, inspection reports, operating manuals, actual audio recording or any transcript of any recorded statements, and mobile, radio, and dispatch records related to the incident; and
- All permits, job safety analyses, site safety plans, site safety surveys, escape plans, ingress/egress plans, emergency response plans, crowd control plans, permits, and other documents relating to the operations taking place at the time of the incident in question.

13.4 This tangible and physical evidence is relevant and reasonably necessary to determine the cause of the incident made the basis of this suit, the loss of which would irreparably harm Plaintiffs.

**XIV.
REQUEST FOR HEARING ON TEMPORARY RESTRAINING ORDER**

14. Plaintiffs further prays for this Court to set a hearing on Plaintiff’s Application for Temporary Restraining Order and subsequent injunctive relief in this matter.

**XV.
REQUEST FOR TEMPORARY INJUNCTION**

15.1 The preceding paragraphs are incorporated herein for all purposes.

15.2 Plaintiffs also ask the Court the set its application for temporary injunction for hearing, and after the hearing, issue a temporary injunction against Defendant as follows:

Enjoining Defendant and all persons acting in concert or participating with Defendant or under Defendant’s direction or control, including any current and/or former officers, directors, members, partners, employees, agents, attorneys, affiliates, predecessors, successors, assigns, agents, attorneys, affiliates, predecessors, successors, assigns and/or representative, and any other individuals or entity with any authority whatsoever, whether actual or apparent from changing, altering, destroying, or modifying the evidence related to the injuries and fatalities arising from the concert, including, but

not limited to, the subject premises, and its fixtures and improvements, as they existed on November 5, 2021, including, but not limited to, the stage infrastructure, barricades, vehicles, permits, documents, electronically stored information, surveillance footage, and all equipment and appurtenances near and/or involved with the incident in question until Plaintiffs are given an opportunity to inspect such evidence.

**XVI.
REQUEST FOR INSPECTION**

16. Plaintiffs also pray that this Court issue an Order permitting the Plaintiffs' attorneys and investigative staff, including, but limited to, consulting experts, to have access to the incident scene and operating unit where the injuries and fatalities arising from the concert occurred to inspect, photograph, and film the scene, as well as conduct any necessary testing. Such access for the purpose of inspection, photographing, and filming is essential in order for the Plaintiffs to prepare their cause and to see that justice is done.

**XVII.
RESERVATION OF RIGHTS**

17. The above allegations against Defendant is made acknowledging that investigation and discovery, although undertaken, are continuing in this matter. As further investigation and discovery are conducted, additional facts may be uncovered that necessitate further, additional, and/or different allegations, including the potential of adding additional parties to the case or dismissing parties from the case. The right to do so, under Texas law, is expressly reserved.

**XVIII.
PRAYER**

18. For these reasons, Plaintiff prays that the Court grant the motion for Temporary Restraining order and Temporary Injunction. Plaintiff further prays that Defendants be cited to appear and answer herein, and, upon a final hearing of the cause, judgment be entered for the Plaintiffs and against Defendants for:

- a. Actual damages above the jurisdictional minimum of the Court, further outlined above;
- b. Pre-judgment and post-judgment interest at the maximum rate allowed by law;
- c. All costs of court;
- d. Exemplary damages; *and*
- e. All other relief to which Plaintiffs are justly entitled.

Respectfully submitted,

KHERKHER GARCIA, LLP

By: /s/ Steve Kherkher

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