

2.2 Defendant, Kristina Chambers, is an individual who resides at 2201 Colquitt St., Houston, TX 77098. She has previously appeared through counsel. Plaintiffs additionally assert all rights and request all relief under Texas Rule of Civil Procedure 28 and demand that this defendant answer in her true name, if it differs from that outlined above.

2.3 Defendant, Xuan Si, is an individual who resides at 2201 Colquitt St., Houston, TX 77098. He is the husband of Defendant, Kristina Chambers. He may be served with process at that 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.

2.4 Defendant, GP Dallas, Inc., is a Texas corporation having its principal office, principal place of business, and corporate headquarters located at 810 Pacific Street, Houston, TX 77006. This defendant is thus a Texas citizen. On information and belief, this defendant owns and operates JR's Bar & Grill, 808 Pacific Street, Houston, TX 77006. This defendant may be served through its registered agent, Charles Armstrong, 5000 Montrose Blvd., Unit 22C, Houston, TX 77006, 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.

2.5 Defendant, Charles Armstrong, is an individual who resides at 5000 Montrose Blvd., Unit 22C, Houston, TX 77006. He may be served with process at that address or wherever he may be found. On information and belief, this defendant owns and operates JR's Bar & Grill, 808 Pacific Street, Houston, TX 77006. 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.

2.6 Defendant, Lola's Depot, Inc., is a Texas corporation having its principal office, place of business, and corporate headquarters located at 2327 Grant Street, Houston, TX 77006. This defendant is thus a Texas citizen. On information and belief, this defendant owns and operates Lola's Depot bar located at 2327 Grant Street, Houston, TX 77006. This defendant may be served through its registered agent, Allan A. Cease, PC, 56 Sugar Creek Center Blvd., Sugar Land, TX 77478. 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, Miguel D. Ramirez, is an individual who resides at 947 Usener Street Houston, TX 77009. This defendant is thus a Texas citizen. On information and belief, this defendant owns and operates Lola's Depot bar located at 2327 Grant Street, Houston, TX 77006. This defendant may be served at the 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.

2.8 Defendant, Stella C. Sanchez, is an individual who resides at 947 Usener Street Houston, TX 77009. This defendant is thus a Texas citizen. On information and belief, this defendant owns and operates Lola's Depot bar located at 2327 Grant Street, Houston, TX 77006. This defendant may be served with process at the residence address or where she 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 her true name, if it differs from that outlined above.

2.9 Defendant, Friends Management Company, Incorporated d/b/a The Ripcord, is a Texas corporation having its principal office, place of business, and corporate headquarters located

at 715 Fairview Street, Houston, TX 77006. This defendant is thus a Texas citizen. On information and belief, this defendant owns and operates The Ripcord bar located at 715 Fairview Street, Houston, TX 77006, under an assumed name registered with the Texas Secretary of State. This defendant may be served through its registered agent, Bradley Spratt, 715 Fairview Street, Houston, TX 77006. 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, Stanford Street Holdings, LLC, is a Texas limited liability company having its principal office, place of business, and corporate headquarters located at 15722 Walkwood Dr., Houston, TX 77079. On information and belief, at least one of this defendant's members is a Texas citizen. This defendant is thus a Texas citizen. On information and belief, this defendant owns and operates the Eagle Houston bar located at 611 Hyde Park Blvd., Houston, TX 77006. This defendant may be served with process through its registered agent, McCathern, PLLC, 4544 Post Oak Place Drive, Suite 350, Houston, TX 77027. 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 her true name, if it differs from that outlined above.

2.11 Defendant, Mark De Lange, is an individual who resides at 15722 Walkwood Dr., Houston, TX 77079. This defendant is thus a Texas citizen. On information and belief, this defendant owns and operates the Eagle Houston bar located at 611 Hyde Park Blvd., Houston, TX 77006. This defendant may be served at that 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 her true name, if it differs from that outlined above.

III. JURISDICTION & VENUE

3.1 The subject matter in controversy is within the jurisdictional limits of this court.

3.2 This Court has personal jurisdiction over the parties because all or a substantial part of the events giving rise to this dispute occurred within Texas, Defendants all committed a tort in Texas, and all Defendants are citizens of Texas.

3.3 All other jurisdictional prerequisites and conditions precedent to suit have been met.

3.4 Pursuant to Section 15.002(a)(1) of the Texas Civil Practice & Remedies Code, venue is proper in Harris County, Texas, because Harris County is the county in which a substantial part of the events and omissions giving rise to this claim occurred. Further, Harris County is a convenient forum and venue to Defendants, maintaining this litigation in this forum and venue would not work a substantial injustice on them, and the interests of justice dictate that this litigation be maintained in this forum and venue.

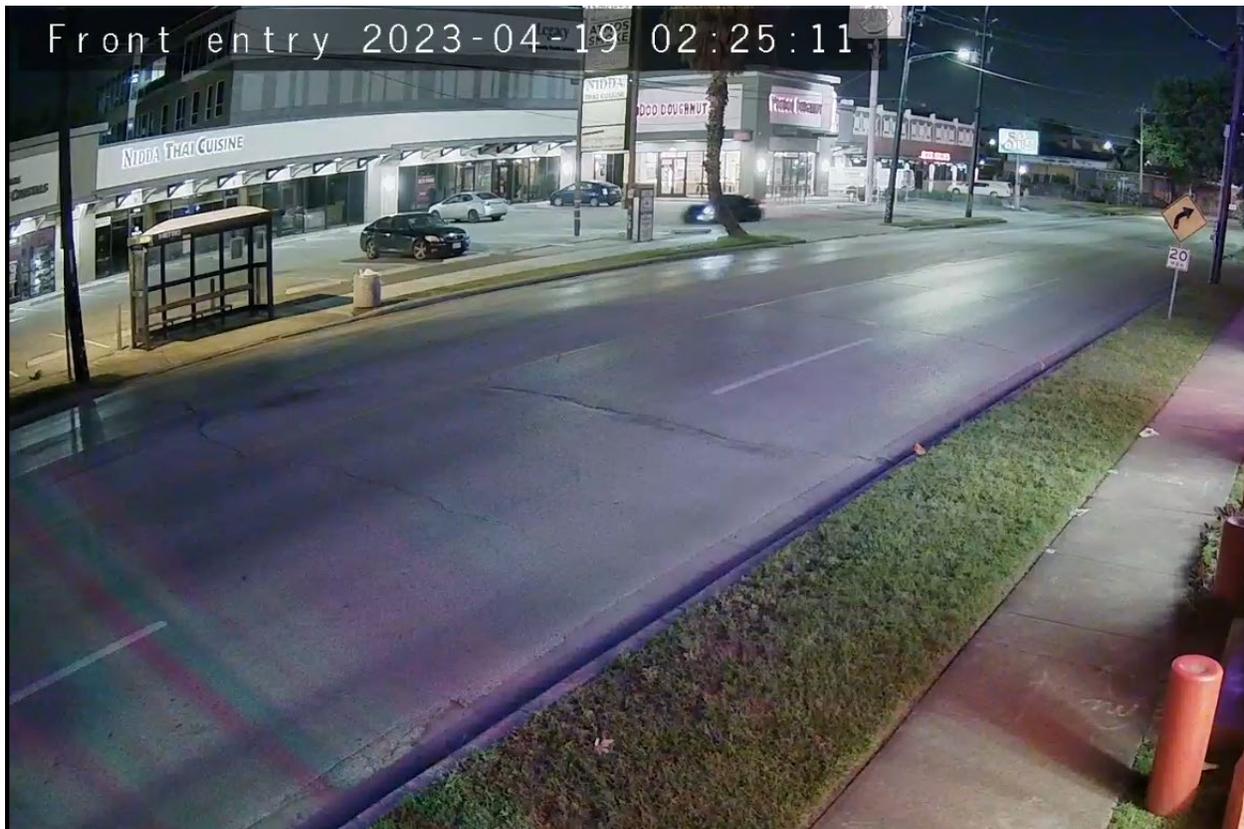
3.5 This case cannot be removed to federal court because no federal question exists, Defendant is a citizen of Texas, and complete diversity does not exist between the parties because all Defendants and all Plaintiffs named herein are citizens of Texas. *See* 28 U.S.C. § 1441. Removal would therefore 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).

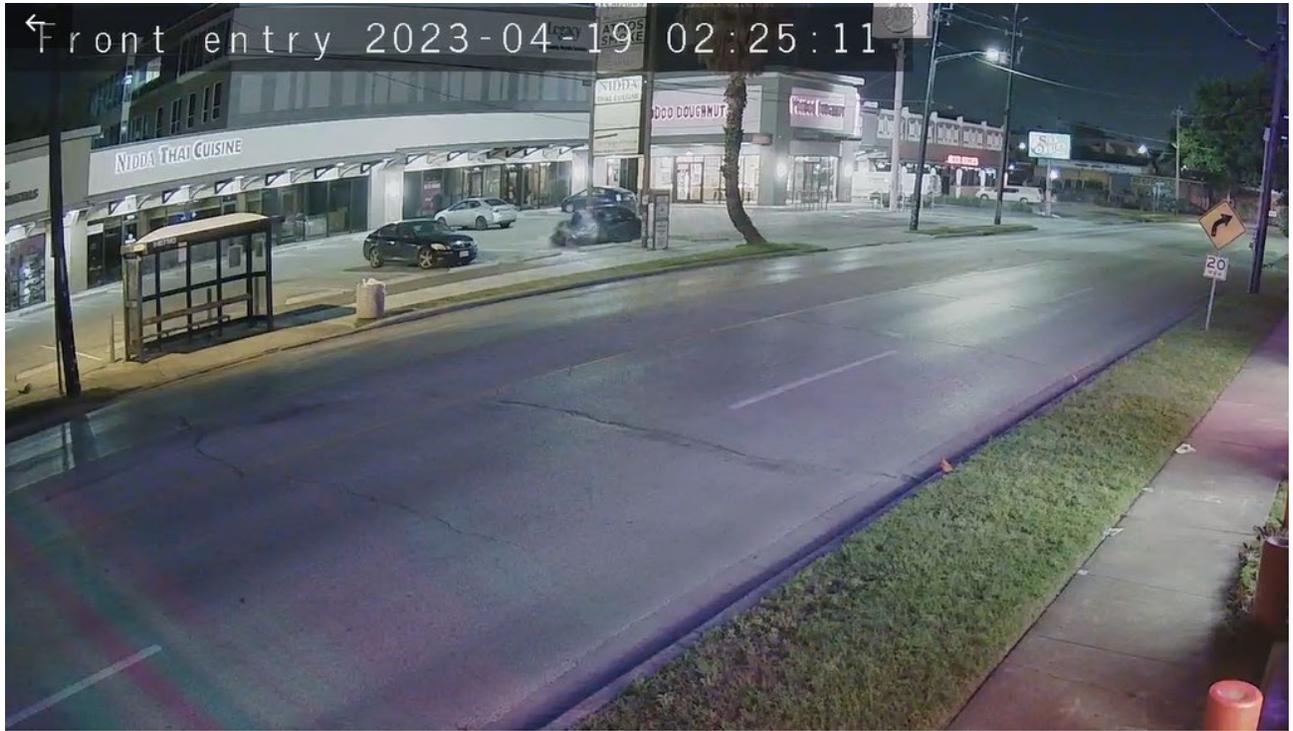
IV. FACTS

4.1 Joe McMullin was a kind and compassionate soul that always wanted to help others. On April 19, 2023, he was wrongfully taken away from this world at the young age of 33. That day, Joe was on a first date. Joe and his date decided to walk to the donut shop to get something to

eat.

4.2 On information and belief, as Joe was walking on the sidewalk on Westheimer Road near Waugh, Defendant Kristina Chambers was driving her Porsche 911 Carrera S over 100 miles per hour down Westheimer. On further information and belief, Defendant Chambers was extremely intoxicated, speeding, and not paying any attention to where she was driving. Defendant Chambers left the roadway, careened onto the sidewalk, and violently collided with Joe. Defendant Chambers only stopped because she struck a pole in the parking lot. Photos from surveillance footage show the reckless speed at which Chambers was traveling:







4.3 On further information and belief, Defendant Chambers was so severely intoxicated that her blood alcohol content was nearly four times the legal limit. Following the crash, she was charged with intoxication manslaughter.

4.4 On further information and belief, prior to the crash, Defendant Chambers was drinking alcohol and was over-served at four bars in the area: (1) JR's Bar & Grill, (2) Lola's Depot, (3) The Ripcord, and (4) the Eagle Houston.

4.5 On further information and belief, Defendant Xuan Si is married to Defendant Chambers. Si is a wealthy portfolio manager at Balyasny Asset Management, a Chicago-based firm that manages over \$15 billion in assets. On information and belief, Si purchased the Porsche 911 Carrera S for Chambers only a few months before this crash, at a cost of well over \$100,000. Si had actual ownership, control, and a superior right of possession of the Porsche at all relevant times. Indeed, Chambers was not employed and would not have the financial wherewithal to purchase such an ultra-expensive sports car. Si entrusted the Porsche to Chambers and authorized her use of the vehicle for all purposes.

4.6 The violent collision killed Joe McMullin. He is survived by his parents, Christopher and Lynn McMullin. They are heartbroken and miss him dearly.

4.7 Plaintiffs have been damaged in an amount far in excess of the jurisdictional limits of this Court. Plaintiffs were severely injured as a result of Defendants' recklessness.

V.
NEGLIGENCE AND GROSS NEGLIGENCE AGAINST
DEFENDANT KRISTINA CHAMBERS

5.1 Plaintiffs incorporate all other paragraphs by reference here fully.

5.2 Defendant Chambers had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others 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. The disregard of this duty consisted of, but is not limited to, the following acts and omissions:

- a. driving while intoxicated;
- b. speeding;
- c. failing to maintain her lane of travel;
- d. reckless driving;
- e. failing to keep a proper lookout;
- f. failing to timely apply her brakes;
- g. failing to timely swerve or otherwise maneuver her vehicle so as to avoid the incident made the basis of the suit;
- h. failing to operate her vehicle in a reasonable and prudent manner;
- i. failing to operate the vehicle in obedience of traffic laws and regulations;
- j. driver inattention;
- k. driving while distracted;
- l. failing to control her vehicle and;
- m. such additional acts of negligence and gross negligence, which will be established as the case progresses.

5.4 Plaintiffs further allege that Defendant Chambers is liable under the doctrine of *res ipsa loquitur*. The character of the incident made the basis of this suit is such that it would not ordinarily occur in the absence of negligence, and Defendant Chambers had management and control over the instrumentality and activity in question.

5.5 One, some, or all of the foregoing acts and/or omissions or others on the part of this Defendant, constituted negligence and such negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages.

5.6 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. Defendant had actual, subjective awareness of this risk, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiffs and others.

VI.
NEGLIGENCE AND GROSS NEGLIGENCE AGAINST
DEFENDANT XUAN SI

6.1 Plaintiffs incorporate all other paragraphs by reference here fully.

6.2 Defendant had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein. Defendant further owed a duty to Plaintiffs to use ordinary care in entrusting the vehicle to Defendant Chambers. Defendant Si knew or should have known that Defendant Chambers was an unfit, careless, and/or reckless driver.

6.3 Plaintiffs' injuries and damages were proximately caused by Defendant's negligent and careless disregard of these duties.

6.4 Defendant Chambers committed an actionable tort by negligently operating the vehicle and proximately causing the crash in question, as further outlined above. Because Defendant Chamber's negligence was the proximate cause of Plaintiffs' damages, and Defendant Si negligently entrusted her with the vehicle involved in the collision in question, Defendant Si is directly liable to Plaintiffs' for negligent entrustment.

6.5 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. Defendant had actual, subjective awareness of this risk, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiffs and others.

VII.
CAUSES OF ACTION AGAINST DEFENDANTS GP DALLAS, INC.
& CHARLES ARMSTRONG

7.1 Plaintiffs incorporate all other paragraphs by reference here fully.

A. DRAM SHOP ACT VIOLATIONS

7.2 At all relevant times, Defendants GP Dallas, Inc. and Charles Armstrong owned, operated, and were otherwise in control of operations at JR's Bar & Grill, a for-profit establishment serving alcoholic beverages where Defendant Chambers was served on the night in question.

7.3 Defendants and their agents, servants, employees, security personnel and management violated the Dram Shop Act codified as Tex. Alcoholic Beverage Code § 2.02. Defendants were negligent providers under the Act, in that they served, sold, or provided alcoholic beverages to a person who was obviously intoxicated to the extent that they presented a clear danger to themselves and others. This conduct by Defendants contributed to Defendant Chambers's state of intoxication and was thus a proximate cause of the injuries sustained by Plaintiffs. The bartenders, wait staff, and employees who served alcohol to Defendant Chambers were all acting in the course and scope of their employment with Defendants. Defendants are responsible for the actions of their management, bartenders, wait staff, security personnel, and all other employees under the legal theory of respondeat superior.

7.4 To the extent Defendants seek to shield themselves from liability by claiming protection under the safe harbor provisions of the Dram Shop Act, Defendants directly and/or indirectly encouraged their servers to violate the Dram Shop Act by continuing to serve intoxicated persons. Thus, Defendants are not entitled to claim safe harbor protections.

B. RESPONDEAT SUPERIOR

7.5 At all times relevant hereto, Defendants had the right to control the physical details of the manner of performance of the conduct of its employees or agents so as to subject Defendants to vicarious liability for the torts of its employees or agents.

7.6 Alternatively, at all times relevant hereto, the acts of the employees of Defendants were performed during their employment with Defendants, to further their business and to accomplish the objective for which they were hired and were within the course and scope of employment or within the authority delegated to them so as to subject Defendant to vicarious liability for their torts.

**VIII.
CAUSES OF ACTION AGAINST DEFENDANTS LOLA'S DEPOT, INC.,
MIGUEL D. RAMIREZ & STELLA C. SANCHEZ**

8.1 Plaintiffs incorporate all other paragraphs by reference here fully.

A. DRAM SHOP ACT VIOLATIONS

8.2 At all relevant times, Defendants Lola's Depot, Inc., Miguel D. Ramirez, and Stella C. Sanchez owned, operated, and were otherwise in control of operations at Lola's Depot, a for-profit establishment serving alcoholic beverages where Defendant Chambers was served on the night in question.

8.3 Defendants and their agents, servants, employees, security personnel and management violated the Dram Shop Act codified as Tex. Alcoholic Beverage Code § 2.02. Defendants were negligent providers under the Act, in that they served, sold, or provided alcoholic beverages to a person who was obviously intoxicated to the extent that they presented a clear danger to themselves and others. This conduct by Defendants contributed to Defendant Chambers's state of intoxication and was thus a proximate cause of the injuries sustained by

Plaintiffs. The bartenders, wait staff, and employees who served alcohol to Defendant Chambers were all acting in the course and scope of their employment with Defendants. Defendants are responsible for the actions of their management, bartenders, wait staff, security personnel, and all other employees under the legal theory of respondeat superior.

8.4 To the extent Defendants seek to shield themselves from liability by claiming protection under the safe harbor provisions of the Dram Shop Act, Defendants directly and/or indirectly encouraged their servers to violate the Dram Shop Act by continuing to serve intoxicated persons. Thus, Defendants are not entitled to claim safe harbor protections.

B. RESPONDEAT SUPERIOR

8.5 At all times relevant hereto, Defendants had the right to control the physical details of the manner of performance of the conduct of its employees or agents so as to subject Defendants to vicarious liability for the torts of its employees or agents.

8.6 Alternatively, at all times relevant hereto, the acts of the employees of Defendants were performed during their employment with Defendants, to further their business and to accomplish the objective for which they were hired and were within the course and scope of employment or within the authority delegated to them so as to subject Defendant to vicarious liability for their torts.

**IX.
CAUSES OF ACTION AGAINST DEFENDANT,
FRIENDS MANAGEMENT COMPANY, INCORPORATED D/B/A THE RIPCORD**

9.1 Plaintiffs incorporate all other paragraphs by reference here fully.

A. DRAM SHOP ACT VIOLATIONS

9.2 At all relevant times, Defendant Friends Management Company, Incorporated owned, operated, and were otherwise in control of operations at The Ripcord, a for-profit

establishment serving alcoholic beverages where Defendant Chambers was served on the night in question.

9.3 Defendant and its agents, servants, employees, security personnel and management violated the Dram Shop Act codified as Tex. Alcoholic Beverage Code § 2.02. Defendant was negligent providers under the Act, in that it served, sold, or provided alcoholic beverages to a person who was obviously intoxicated to the extent that they presented a clear danger to themselves and others. This conduct by Defendant contributed to Defendant Chambers's state of intoxication and was thus a proximate cause of the injuries sustained by Plaintiffs. The bartenders, wait staff, and employees who served alcohol to Defendant Chambers were all acting in the course and scope of their employment with Defendant. Defendant is responsible for the actions of its management, bartenders, wait staff, security personnel, and all other employees under the legal theory of respondeat superior.

9.4 To the extent Defendant seeks to shield themselves from liability by claiming protection under the safe harbor provisions of the Dram Shop Act, Defendants directly and/or indirectly encouraged their servers to violate the Dram Shop Act by continuing to serve intoxicated persons. Thus, Defendant is not entitled to claim safe harbor protections.

B. RESPONDEAT SUPERIOR

9.5 At all times relevant hereto, Defendant had the right to control the physical details of the manner of performance of the conduct of its employees or agents so as to subject Defendant to vicarious liability for the torts of its employees or agents.

9.6 Alternatively, at all times relevant hereto, the acts of the employees of Defendant were performed during their employment with Defendant, to further its business and to accomplish the objective for which they were hired and were within the course and scope of employment or

within the authority delegated to them so as to subject Defendant to vicarious liability for their torts.

X.
CAUSES OF ACTION AGAINST DEFENDANTS,
STANFORD STREET HOLDINGS, LLC & MARK DE LANGE

10.1 Plaintiffs incorporate all other paragraphs by reference here fully.

A. DRAM SHOP ACT VIOLATIONS

10.2 At all relevant times, Defendants Stanford Street Holdings, LLC and Mark De Lange owned, operated, and was otherwise in control of operations at the Eagle Houston, a for-profit establishment serving alcoholic beverages where Defendant Chambers was served on the night in question.

10.3 Defendant and its agents, servants, employees, security personnel and management violated the Dram Shop Act codified as Tex. Alcoholic Beverage Code § 2.02. Defendant was negligent providers under the Act, in that it served, sold, or provided alcoholic beverages to a person who was obviously intoxicated to the extent that they presented a clear danger to themselves and others. This conduct by Defendant contributed to Defendant Chambers's state of intoxication and was thus a proximate cause of the injuries sustained by Plaintiffs. The bartenders, wait staff, and employees who served alcohol to Defendant Chambers were all acting in the course and scope of their employment with Defendant. Defendant is responsible for the actions of its management, bartenders, wait staff, security personnel, and all other employees under the legal theory of respondeat superior.

10.4 To the extent Defendant seeks to shield themselves from liability by claiming protection under the safe harbor provisions of the Dram Shop Act, Defendants directly and/or indirectly encouraged their servers to violate the Dram Shop Act by continuing to serve intoxicated persons. Thus, Defendant is not entitled to claim safe harbor protections.

B. RESPONDEAT SUPERIOR

10.5 At all times relevant hereto, Defendant had the right to control the physical details of the manner of performance of the conduct of its employees or agents so as to subject Defendant to vicarious liability for the torts of its employees or agents.

10.6 Alternatively, at all times relevant hereto, the acts of the employees of Defendant were performed during their employment with Defendant, to further its business and to accomplish the objective for which they were hired and were within the course and scope of employment or within the authority delegated to them so as to subject Defendant to vicarious liability for their torts.

XI. WRONGFUL DEATH DAMAGES

11.1 Plaintiffs incorporate all other paragraphs by reference here fully.

11.2 Plaintiffs, Christopher and Lynn McMullin, the surviving parents of Joseph McMullin, are statutory beneficiaries under section 71.004 of the Texas Civil Practice and Remedies Code, the Wrongful Death Act.

11.3 The negligence and gross negligence of Defendant, outlined elsewhere herein more fully, caused the untimely death of Joseph McMullin.

11.4 As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiffs have suffered severe injuries and damages. At the time of his death, Joseph McMullin's parents depended on him for love, companionship, affection, and support. Plaintiffs accordingly pray for the following damages:

- a. Mental anguish in the past;
- b. Mental anguish which, in all reasonable probability, will be suffered in the future;
- c. Loss of companionship and society in the past and future, including, but not limited to, the loss of positive benefits flowing from the love, comfort,

- companionship and society that would have been received from the Joseph McMullin, had he lived;
- d. Exemplary damages; *and*,
- e. Any and all other damages to which Plaintiffs are justly entitled as shown through the course of this proceeding.

XII. SURVIVAL DAMAGES

12.1 Plaintiff incorporates all other paragraphs by reference here fully.

12.2 Plaintiffs are the proposed representatives of the Estate of Joseph Edward McMullin. Joseph McMullin had a legal cause of action for personal injuries to his health and person before he died. While alive, Joseph McMullin was forced to endure the unbearable physical trauma of the incident described elsewhere herein that ultimately resulted in his tragic death. Joseph McMullin experienced excruciating physical pain, suffering and mental anguish prior to his death. Joseph McMullin would have been entitled to bring an action for these injuries if he had lived, including for negligence and gross negligence.

12.3 Defendant's wrongful, negligent and grossly negligent acts and omissions caused Joseph McMullin's injuries and death, as further outlined herein.

Accordingly, Christopher and Lynn McMullin, as representatives of the Estate of Joseph McMullin, maintain this survival action against Defendant on behalf of the estate and all legal heirs. Plaintiffs seek recovery of the following damages, which were a direct and proximate result of the occurrence made the basis of this lawsuit:

- a. Reasonable medical care and expenses sustained by Joseph McMullin in the past;
- b. Physical pain and suffering sustained by Joseph McMullin in the past;
- c. Mental anguish sustained by Joseph McMullin in the past;
- d. Funeral expenses;
- e. Exemplary damages; *and*,
- f. Any and all other damages to which Plaintiffs are justly entitled as shown through the course of this proceeding.

XIII.

RULE 47 STATEMENT OF MONETARY RELIEF SOUGHT

13. Plaintiffs prefer to have the jury determine the fair amount of compensation for Plaintiffs' damages. It is too early in the 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 \$1,000,000.00, in amount to be determined by the jury, is being sought.

XIV.

RULE 193.7 NOTICE OF INTENT TO USE DISCOVERY AT TRIAL

14. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiffs hereby give notice that they intend to use all discovery instruments produced in this case at trial. Such discovery instruments include, but are not limited to, all documents produced by all parties and third parties.

XV.

NOTICE TO PRESERVE EVIDENCE

15. Plaintiffs hereby demand that Defendants preserve 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, further described elsewhere herein. This includes, but is not limited to, the vehicle driven by Kristina Chambers; the electronic and telematics data recorded by devices on the vehicle driven by Kristina Chambers, the cellphone(s), tablets, and other personal electronic devices used by Kristina Chambers on the day of the incident; all documents, photos, video, audio, cell phone records, text and SMS messages, electronically stored information, drug and alcohol tests and specimens, computers, tablets, and other electronic devices in the vehicle operated by Kristina Chambers at the time of the incident in question; all video and photo captured by cameras and other recording devices at Defendants' bars on the day

in question; all alcohol sales records, receipts, and all other documents, communications, and electronically stored information evidencing Chamber's consumption of alcohol on the day in question; and all other documents, communications, and electronically stored information evidencing the operational history of the bars on the day in question.

**XVI.
NOTICE OF DUTY TO DISCLOSE**

16. 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 Plaintiffs.

**XVII.
DEMAND FOR JURY TRIAL**

17. Plaintiffs hereby demand a jury trial and tenders the appropriate jury fee.

**XVIII.
RESERVATION OF RIGHTS**

18. The above allegations against Defendants are 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.

**XIX.
CONCLUSION & PRAYER**

19. For the foregoing reasons, Plaintiffs pray 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/ Jesus Garcia, Jr.

Jesus Garcia, Jr.

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that, per Rule 21a, a true and correct copy of the foregoing was served on all known counsel of record via the Texas e-filing system on June 5, 2023.

/s/ Kevin Haynes

Kevin Haynes

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Steve Kherkher on behalf of Jesus Garcia, Jr.

Bar No. 24027389

skherkher-team@kherkhergarcia.com

Envelope ID: 76342031

Filing Code Description: Amended Filing

Filing Description: PLAINTIFFS'; FIRST AMENDED PETITION

Status as of 6/6/2023 3:28 PM CST

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