

CAUSE NO: _____

**CYNTHIA CRAWFORD, Individually,
and as Next Friend of her minor Child,
I.C.; LUIS MACIAS, Individually, and
as Next Friend of his minor Child, A.M.;
and GRISELDA ESCAMILLA,
Individually, and as Next Friend of her
minor Child, M.H.,**

Plaintiffs,

vs.

**JACQUES BERMAN WEBSTER II
a/k/a TRAVIS SCOTT; AUBREY
DRAKE GRAHAM a/k/a DRAKE;
LIVE NATION ENTERTAINMENT,
INC.; and HARRIS COUNTY SPORTS
& CONVENTION CORPORATION
a/k/a NRG PARK,**

Defendants.

IN THE DISTRICT COURT

____ **JUDICIAL DISTRICT**

HARRIS COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now CYNTHIA CRAWFORD, Individually, and as Next Friend of her minor child, I.C. ; LUIS MACIAS, Individually, and as Next Friend of his minor Child, A.M.; and GRISELDA ESCAMILLA, Individually, and as Next Friend of her minor Child, M.H., (hereinafter referred to by name or as "Plaintiffs") and complains of JACQUES BERMAN WEBSTER II a/k/a TRAVIS SCOTT; AUBREY DRAKE GRAHAM a/k/a DRAKE; LIVE NATION ENTERTAINMENT, INC.; and HARRIS COUNTY SPORTS & CONVENTION CORPORATION, (hereinafter referred to by name or as "Defendants") and for cause of action would respectfully show unto the Court as follows:

I.
DISCOVERY CONTROL PLAN

1. Plaintiffs intend that discovery be conducted under Level 3 of Rule 190 Texas Rules of Civil Procedure.

II.
RULE 47 LANGUAGE

2. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, PLAINTIFFS seek monetary relief over \$1,000,000.00.

3. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, PLAINTIFFS will plead a maximum. PLAINTIFFS will ultimately leave it to the discretion of the jury as to how much to award in this case.

III.
PARTIES

4. Plaintiff, CYNTHIA CRAWFORD, is an individual residing in Bexar County, Texas.
5. Plaintiff, I.C., is a minor individual residing in Bexar County, Texas.
6. Plaintiff, LUIS MACIAS, is an individual residing in Bexar County, Texas.
7. Plaintiff, A.M., is a minor individual residing in Bexar County, Texas.
8. Plaintiff, GRISELDA ESCAMILLA, is an individual residing in Bexar County, Texas.
9. Plaintiff, M.H., is a minor individual residing in Bexar County, Texas.
10. Defendant, JACQUES BERMAN WEBSTER, II a/k/a TRAVIS SCOTT individual residing in Los Angeles County, California. Defendant may be served by private process at 12255 Sky Lane, Los Angeles, California 90049, or wherever he may be found. Plaintiffs request citation issue as to JACQUES BERMAN WEBSTER, II a/k/a TRAVIS SCOTT.

11. Defendant, AUBREY DRAKE GRAHAM a/k/a DRAKE is an individual residing in Los Angeles County, California. Defendant may be served by private process at 5841 Round Meadow Rd., Los Angeles, California 91302 or wherever he may be found. Plaintiffs request citation issue as to AUBREY DRAKE GRAHAM a/k/a DRAKE.

12. Defendant, LIVE NATION ENTERTAINMENT, INC. is a foreign corporation which does business in the State of Texas and may be served by private process by serving its registered agent: Corporate Creations Network, Inc., 5444 Westheimer #1000, Houston, Texas 77056. Plaintiffs request citation issue as to LIVE NATION ENTERTAINMENT, INC.

13. Defendant, HARRIS COUNTY SPORTS & CONVENTION CORPORATION a/k/a NRG PARK is a non-profit corporation which does business in the State of Texas and may be served by private process by serving its registered agent: Ryan Walsh, One NRG Park, Houston, Texas 77054. Plaintiffs request citation issue as to HARRIS COUNTY SPORTS & CONVENTION CORPORATION a/k/a NRG PARK.

IV. JURISDICTION AND VENUE

14. Venue is proper in Harris County, Texas pursuant to CPRC §15.002(a) in that a substantial part of the events or omissions giving rise to the claim occurred in Harris County, Texas.

15. Jurisdiction is proper in this Court because the amount in controversy is within the Court's jurisdictional limits.

16. Venue is proper in Harris County, Texas under § 15.002(a)(1) of the Civil Practice & Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in Harris County, Texas.

V.
FACTS

17. On November 5, 2021, Defendant, JACQUES BERMAN WEBSTER, II a/k/a TRAVIS SCOTT performed at his Astroworld music festival held at the NRG PARK in Houston, Texas.

18. Upon information and belief, Defendant, JACQUES BERMAN WEBSTER, II a/k/a TRAVIS SCOTT founded, managed, maintained, produced, promoted, supervised, organized and controlled the event "Astroworld Festival 2021" that took place on November 5, 2021, at HARRIS COUNTY SPORTS & CONVENTION CORPORATION a/k/a NRG PARK in HOUSTON, Texas

19. It is public knowledge that prior to November 5, 2021, Defendant, JACQUES BERMAN WEBSTER, II a/k/a TRAVIS SCOTT had incited mayhem and chaos at prior events. Defendants HARRIS COUNTY SPORTS & CONVENTION CORPORATION a/k/a NRG PARK and LIVE NATION ENTERTAINMENT, INC. knew or should have known of JACQUES BERMAN WEBSTER, II a/k/a TRAVIS SCOTT'S prior conduct.

20. Defendant, AUBREY DRAKE GRAHAM A/K/A DRAKE a well-known artist was also a performer at the Astroworld Festival. Defendant DRAKE came onstage along-side of Defendant TRAVIS SCOTT and helped incite the crowd even though he has known of TRAVIS SCOTT'S prior conduct. Defendant DRAKE and Defendant TRAVIS SCOTT continued to perform on stage while the crowd surge and mayhem continued.

21. At no time, did any of the Defendants attempt to stop the show. In fact, it is believed that some, if not all of them, encouraged the chaos.

22. Plaintiffs, all minors, attended the concert/event ASTROWORLD FESTIVAL, which was advertised as being open to all ages. While at this event, the minor Plaintiffs, were in the general

admission section. The only object separating the general admission and VIP sections was a metal barrier.

23. At the start of the concert/event, NRG PARK was severely crowded and concertgoers began to experience trouble breathing. As Defendant TRAVIS SCOTT began his performance, Plaintiffs I.C., M.H., and A.M. were violently slammed against other concertgoers and were eventually crushed against a metal gate where they continued to gasp for air. This violent surge caused bruising, as well as pain and suffering. The crowd became chaotic and a stampede ensued leaving at least eight dead and dozens severely injured, including I.C., M.H., and A.M. Plaintiffs I.C., M.H., and A.M. witnessed numerous unconscious bodies on the ground, some of whom Plaintiffs believed to be dead. Despite Plaintiffs' verbal and physical pleas for help from security, no help came.

24. It's important to note that prior to Defendant TRAVIS SCOTT'S performance there was already evidence and signs of chaos and mayhem.

25. As a result of this tragic event, Plaintiffs suffered severe injuries, and incurred damages.

VI. **CAUSES OF ACTION AGAINST** **DEFENDANTS**

A. NEGLIGENCE

26. Defendants were negligent for inciting a riot and violence.

27. At the time of the incident, Plaintiffs were an invitee on the property in question. The property is owned, controlled, and/or managed by DEFENDANTS.

28. Defendants knew or should have known of JACQUES BERMAN WEBSTER, II a/k/a TRAVIS SCOTT prior conduct.

29. Defendants were responsible for providing security services at the concert at the subject premises.

30. Defendants were responsible for providing emergency medical services at the concert at the subject premises.

31. Defendants encouraged and allowed the subject premises to become overcrowded and was filled beyond capacity.

32. The occurrence here in was due to the negligence, carelessness and recklessness of the defendants, their agents, servants and employees, in the ownership, management, maintenance, operation, supervision, and the control of the subject premises.

33. The minor Plaintiffs received no warnings prior to the incident and was without fault. At no time did the minor Plaintiffs contribute to the incident in question. Plaintiffs' injuries were proximately caused by the negligence of Defendants' agents, servants, employees and/or representatives.

34. At all times mentioned herein, Defendants owed duties to the minor Plaintiffs, including but not limited to the following and, by various acts and omissions, breached these duties, each of which singularly or in combination, was approximate cause of the occurrence in question and Plaintiffs' injuries:

- a. in failing to maintain the pathways of the pedestrian areas located on the premises in a reasonably safe manner;
- b. In permitting the general admission area to become a dangerous condition.
- c. In permitting the general admission area to remain a dangerous condition.
- d. In failing to properly train its employees.
- e. In failing to supervise its employees.
- f. In failing to provide adequate and competent security.
- g. In failing to stop the show so as to prevent more chaos and mayhem.; and
- h. In failing to properly and timely inspect the area.

35. Defendants are liable under the doctrine of respondeat superior for the individuals responsible for the security of the general admission area as they were acting in the capacity as an agent, servant, and/or employee of Defendants, and were acting within the course and scope of their authority as such. There, the doctrine of Respondent Superior should be applied to Defendants as follows:

- a. negligent hiring;
- b. negligent entrustment;
- c. negligent training and safety implementation;
- d. failing to have proper security;
- e. failing to stop the show as soon as there was sufficient knowledge that chaos and mayhem were ensuing; and
- f. negligent retention.

36. By reason of all of the above, the minor Plaintiffs have suffered losses and damages in a sum within the jurisdictional limits of this court, and for which they now sue.

B. GROSS NEGLIGENCE

37. The acts and/or omissions of DEFENDANTS are of such a character to rise to the level of gross negligence.

38. DEFENDANTS' actions and omissions, when viewed objectively from the standpoint of the DEFENDANTS at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others, including the Plaintiffs.

39. DEFENDANTS had actual, subjective awareness of the risk involved in his acts and omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others, including the Plaintiffs.

40. Each of the above specific negligent acts and/or omissions, whether taken singularly or in any combination, constitutes gross negligence as those terms are understood at law, and were

authorized, ratified, and/or approved by the DEFENDANTS.

VII.
EXEMPLARY DAMAGES

14. The above-referenced acts and/or omissions by DEFENDANTS constitute malice as that term is defined in Section 41.001(7) of the Texas Civil Practice and Remedies Code and gross negligence as the term is defined by Section 41.001(11).

15. DEFENDANTS' acts or omissions described above, when viewed objectively from the standpoint of Defendant at the time of the act or omission, involved an extreme degree of risk, considering the probability of harm to Plaintiffs and others.

16. DEFENDANTS had actual, subjective awareness of the risk involved in the above-described acts and omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiffs and others.

17. The above acts and/or omissions were singularly and cumulatively the proximate cause of the occurrence in questions and the resulting injuries and damage sustained by Plaintiffs.

18. Therefore, because of such acts of malice and gross negligence on behalf of Defendant GOSLIN, Plaintiffs now sue for exemplary damages in an amount to be determined at trial.

VIII.
DAMAGES TO PLAINTIFFS

19. As a direct and proximate result of the collision and the negligent conduct of DEFENDANTS, Plaintiffs suffered severe bodily injuries which has left them totally incapacitated. Their entire bodies were bruised, battered and contused and they suffered great shock to their entire nervous system. The injuries have had a serious effect on the Plaintiffs' health and well-being. These effects are permanent and will abide with the Plaintiffs for a long time into the future, if not for their

entire lives. These specific injuries and their ill effects have, in turn, caused the Plaintiffs' physical and mental condition to deteriorate generally and the specific injuries and ill effects alleged have caused and will, in all reasonable probability, cause the Plaintiffs to suffer consequences and ill effects of this deterioration throughout their bodies for a long time in the future, and throughout the balance of their natural lives. As further result of the nature and consequences of these injuries, Plaintiffs suffered great physical and mental pain, suffering and anguish, and will continue to suffer in this manner for a long time into the future, and throughout the balance of their natural lives.

20. As a further result of all of the above, Plaintiffs have incurred expenses for medical care and attention, and will continue to require medical care and attention for the remainder of their lives. These expenses were incurred for the necessary care and treatment of the injuries resulting from the incident complained of. The charges are reasonable and were the usual and customary charges made for such services in the County where they were incurred.

21. As a further result of the injuries sustained by Plaintiffs, they will require further medical care and attention and will incur future reasonable and necessary expenses for medical care and attention for the remainder of their natural lives.

22. As a consequence of the injuries sustained by Plaintiffs, they have sustained physical impairment and disfigurement. This disability will cause them to suffer long into the future, if not for the balance of their natural lives.

23. By reason of all the above, Plaintiffs have suffered losses and damages in a sum within the jurisdictional limits of this Court for which they now sue.

IX. **INTEREST**

24. Plaintiffs further request both pre-judgment and post judgment interest on all their damages as allowed by law.

X.
JURY DEMAND

25. Plaintiffs demand a trial by jury. Plaintiffs acknowledge payment this date of the required jury fee.

XI.
PLAINTIFF'S NOTICE OF SELF AUTHENTICATION UNDER RULE 193.7

26. Plaintiffs further give notice under Rule 193.7 of the Texas Rules of Civil Procedure that production of all documents by the DEFENDANTS in response to written discovery, authenticates the documents for their use in trial or any pre-trial proceeding in this matter. Plaintiffs fully intend to use any and all documents produced by the DEFENDANTS as evidence at the time of trial, or in any pre-trial proceeding, and gives DEFENDANTS notice of their intent.

XV.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that DEFENDANTS, be cited to appear and answer, and on final trial hereafter, the Plaintiffs have judgment against DEFENDANTS, jointly and severally, in an amount within the jurisdictional limits of this Court, together with all pre judgment and post judgment interest as allowed by law, costs of Court, and for such other and further relief to which Plaintiffs may be justly entitled by law and equity, including, but not limited to:

1. Pain and suffering in the past;
2. Pain and suffering in the future;
3. Mental anguish in the past;
4. Mental anguish in the future;
5. Past medical expenses;
6. Future medical expenses;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Physical disfigurement in the past;
10. Physical disfigurement in the future;
11. Pre judgment interest;

12. Post judgment interest;
13. Exemplary damages;
14. Loss of past wages;
15. Loss of future wages;
16. Loss of wage earning capacity; and
17. Spousal and familial consortium.

Respectfully submitted,

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