

CAUSE NO. _____

KHALID ANWARZAD
Plaintiff,

v.

LEGENDS POKER CLUB, LLC
And JOHN DOE
Defendants.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____ **JUDICIAL DISTRICT**

PLAINTIFF’S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff **KHALID ANWARZAD** (“Plaintiff”) and files the following Plaintiff’s Original Petition complaining of Defendants **LEGENDS POKER CLUB, LLC, and JOHN DOE** (collectively, “Defendants”), and for cause of action would show as follows:

I.
DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.2. Plaintiff seeks monetary relief over \$1,000,000.00.

II.
PARTIES

2. Plaintiff is an individual residing in Texas.
3. Defendant Legends Poker Club, LLC is a registered entity in Texas and may be served by and through its registered agent:

Steven Grossman
4544 Post Oak Place Drive, Suite 270
Houston, TX 77027

4. Defendant John Doe (“Doe”) is an individual residing in Texas and may be served with process wherever he may be found.

III.
VENUE AND JURISDICTION

5. Venue is proper in Harris County under Texas Civil Practice & Remedies Code §15.002 because all or a substantial part of the events or omissions giving rise to the claims occurred in Harris county.

6. This Court has personal jurisdiction over this suit because Defendants are residents of Texas. Additionally, this Court has subject matter jurisdiction over this suit because the amount in controversy does not exceed the maximum jurisdictional limits of this Court.

IV.
FACTS

7. Plaintiff visited Legends Poker Club, LLC (“Legends”) on or about November 22, 2022.

8. While at Legends, Plaintiff noticed a patron, John Doe, attempting to enter with a large duffle bag. As security was searching the bag, Plaintiff notified the security guard that a knife was on the side of the bag. Plaintiff was previously aware of the clubs “no weapons” policy.

9. After Plaintiff notified security, John Doe became irate and started yelling at Plaintiff and referring to him as a “snitch.” He also threatened Plaintiff saying he would “kick his ass.” Doe then proceeded to leave Legends and but remained on the property.

10. A few minutes later, the Plaintiff left Legends and was then attacked and assaulted in the parking lot by John Doe. A security guard employed by Legends came out to watch the assault but did nothing to intervene or protect Plaintiff even going so far as to refuse to call the police. The guard was aware of the threats to Plaintiff prior to the assault but did nothing to escort him safely to his vehicle or prevent the attack.

11. Plaintiff was informed he is no longer welcome at Legends, nor would they provide him or the police with surveillance footage of the incident. Police were called at the time of the incident but declined to assist Plaintiff or arrest John Doe.

12. As a result of this incident, Plaintiff has suffered various injuries.

V.
CAUSES OF ACTION

A. Count 1 – Assault by Infliction of Bodily Injury (against Doe)

13. Plaintiff incorporates by reference, as if fully set forth herein, all of the preceding paragraphs.

14. By and through the above-reference conduct, Defendant Doe made physical contact with Plaintiff's person.

15. Defendant Doe intentionally, knowingly or recklessly caused plaintiff's bodily injury.

16. As a direct and proximate result of Defendant Doe's actions, Plaintiff sustained physical and emotional injuries for which Plaintiff received medical and psychological treatment. In all probability, Plaintiff will require medical treatment and/or counseling in the future, and thus will continue to incur expenses for medical and/or psychological treatment.

17. Plaintiff seeks unliquidated damages within the jurisdictional limits of this Court.

18. Plaintiff's injuries resulted from Defendant Doe's malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code §41.003(a).

B. Count 2 – Assault by Offensive Physical Contact

19. Plaintiff incorporates by reference, as if fully set forth herein, all of the preceding paragraphs.

20. By and through the above-referenced conduct, Defendant Doe made offensive

physical contact with Plaintiff's person.

21. Defendant Doe intentionally or knowingly made offensive physical contact with Plaintiff's person.

22. As a direct and proximate result of Defendant Doe's conduct, Plaintiff sustained physical and emotional injuries for which Plaintiff received medical treatment. In all probability, Plaintiff will require medical attention and/or counseling in the future, and thus will continue to incur expenses for medical and psychological treatment.

23. Plaintiff seeks unliquidated damages within the jurisdictional limits of this Court.

24. Plaintiff's injuries resulted from Defendant Doe's malice, which entitled Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code §41.003(a).

C. Count 3 – Mental Anguish (against Doe and Legends)

25. Plaintiff incorporates by reference, as if fully set forth herein, all of the preceding paragraphs.

26. Due to John Doe's actions and the staff of Legend's failure to act, Plaintiff suffered a high level of mental pain/anguish that is greater than mere disappointment, resentment, embarrassment, or anger.

27. Plaintiff is still traumatized by the event.

D. Count 4 – Vicarious Liability/*Respondeat Superior* (against Legends)

28. Plaintiff incorporates by reference, as if fully set forth herein, all of the preceding paragraphs.

29. At the time of the events, the security guards present were acting in the course and scope of their employment. Legends has "the overall right to control the progress, details, and methods of operations of the work." The security guards acted within the course and scope of their

employment when performing tasks generally assigned to him or her in furtherance of the employer's business (a) with the employer's authority and (b) for the employer' benefit. Maintaining a safe and secure environment is the responsibility of Legends, and the security guards were acting under the scope of Legends authority to the benefit of the poker club.

E. Count 5 – Negligent Activity (against Legends)

30. Plaintiff incorporates by reference, as if fully set forth herein, all of the proceeding paragraphs.

31. In the alternative, Plaintiff's injuries were the result of Defendants' ongoing negligent activity on the premises at the time of the injury, not a condition on the premises.

32. Defendants owed a legal duty to Plaintiff to ensure safe operations of their establishment.

33. Defendants breached that duty to Plaintiff.

34. Defendants' breach of duty proximately caused serious injury to Plaintiff.

F. Count 6 – Negligence (against Legends)

35. As set out above, Defendants had a duty to Plaintiff to provide security services that were both competent and lawful. This duty included providing security officers who would protect its patrons from the unlawful activities of other patrons. Defendants breached this duty and this breach is the proximate cause of past and present physical injuries, past and present pain and suffering, and economic injury to Plaintiff. In all likelihood, Plaintiff will continue to suffer physical injuries and mental anguish as a result of the acts of these Defendants. Defendant Legends has breached the common law of the State of Texas for which Plaintiff is entitled to recover actual and consequential damages and mental anguish.

G. Count 7 – Gross Negligence (against Legends)

36. As set out above, Defendant's actions and/or omissions constitute not only negligence but also gross negligence. Defendant's acts and omissions, when viewed objectively from the standpoint of the actor at the time of its occurrence involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of others. As a result, each of the Defendant's act and omissions constitute gross negligence and Plaintiff is entitled to the recovery of exemplary damages in an amount to be determined by the jury.

VI.
DEMAND FOR JURY

37. Plaintiff demands a jury trial and will tender the requisite jury fee.

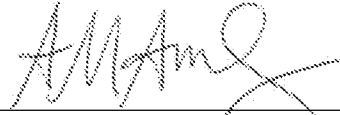
VII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein and that upon final trial by jury, the Court award Plaintiff the following relief:

- a. Actual damages;
- b. Exemplary damages;
- c. Pre-judgment and post-judgment interest;
- d. Such other and further relief to which Plaintiff may be just entitled.

Respectfully submitted,

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Sheree Harper on behalf of Anissah Nguyen
Bar No. 24072895
sharper@nguyen-chen.com
Envelope ID: 70790102
Status as of 12/7/2022 2:55 PM CST

Associated Case Party: Khalid Anwarzad

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Sheree Harper		sharper@ulg.law	12/7/2022 2:14:59 PM	SENT
Michelle Kornblith		mkornblith@ulg.law	12/7/2022 2:14:59 PM	SENT
Universal Law Group		service@ulg.law	12/7/2022 2:14:59 PM	SENT
Anissah Nguyen		anguyen@ulg.law	12/7/2022 2:14:59 PM	SENT