

resident of Tarrant County at all times relevant to this suit. Plaintiff [REDACTED]

[REDACTED].

2.2 Plaintiff [REDACTED] is an individual citizen and resident of Grapevine, Tarrant County, Texas and was a citizen and resident of Tarrant County at all times relevant to this suit. Plaintiff [REDACTED].

2.3 Defendant Endeavor Carpe Diem, LLC (“Endeavor”) is an is a limited liability company organized under the laws of the State of Delaware with its principal place of business located at 9350 South Dixie Highway, Suite 950, Miami, Florida 33156. Defendant Endeavor may be served with process by and through its registered agent for service for the state of Texas: **Corporate Creations Network, Inc., at 5444 Westhiemer, Suite 1000, Houston, Texas, 77056**, or wherever else it may be found. Plaintiff O.S., a Minor, was a student and Defendant Endeavor’s campus known as “Carpe Diem Private School—South Lake Campus” located at 300 Randell Mill Ave., South Lake, Texas 76092. Defendant Endeavor employed Defendant Thaddeus A. Davidson at the time of the events alleged in this suit.

2.4 Defendant Lionheart Children’s Academy, Inc. (“Lionheart”) is a corporation organized under the laws of the State of Texas with its principal place of business located at 1000 Airport Fwy, Euless, TX 76039. Defendant Lionheart Children’s Academy, Inc. may be served with process by and through its registered agent for service for the state of Texas: **Arthur S. Dobbs, 801 Boxwood Court, Euless, Texas 76039**, or wherever else it may be found. Defendant Lion Heart employed Defendant Thaddeus A. Davidson at its “Lionheart Academy at Cross City Church” location at 1000 Airport Fwy, Euless, TX 76039 prior to Defendant Endeavor.

2.5 Defendant Thaddeus A. Davidson is an individual citizen and resident of Dallas, Dallas County, Texas. Defendant Davidson was an individual citizen and resident of Dallas County at all times relevant to this suit. Defendant Davidson may be served with process at his personal residence located at **5757 Preston View Blvd., Apt No, 202, Dallas, Texas 75240**, or wherever else he may be found. Defendant Davidson was an employee of Defendant Endeavor at all times relevant to this suit,

2.6 Defendant Marie Fettermen is an individual citizen and resident of Dallas, Dallas County, Texas. Defendant Fetterman was an individual citizen and resident of Dallas County at all times relevant to this suit. Defendant Fetterman may be served with process at her personal residence located at **120 Manor Lane Lake, Dallas Texas 75065**, or wherever else she may be found. Defendant Fettermen was an employee or agent of Defendant Endeavor at all times relevant to this suit.

2.7 Defendant Sarah Castaneda is an individual citizen and resident of Anna, Collin County, Texas. Defendant Castaneda was an individual citizen and resident of Collin County at all times relevant to this suit. Defendant Castaneda may be served with process at her personal residence located at **2709 Silver Leaf Lane, Anna, Texas 75409**, or wherever else she may be found. Defendant Castaneda was an employee or agent of Defendant Lionheart at all times relevant to this suit.

2.8 Defendant Amelia Beall is an individual citizen and resident of Fort Worth, Tarrant County, Texas. Defendant Beall was an individual citizen and resident of Tarrant County at all times relevant to this suit. Defendant Beall may be served with process at her personal residence located at **7268 Retriever Lane, Fort Worth, Texas 76120**, or wherever else she may

be found. Defendant Beall was an employee or agent of Defendant Lionheart at all times relevant to this suit.

2.9 Defendant Stan Dobbs is an individual citizen and resident of Euless, Tarrant County, Texas. Defendant Beall was an individual citizen and resident of Tarrant County at all times relevant to this suit. Defendant Beall may be served with process at her personal residence located at **801 Boxwood Court, Euless, Texas 76039**, or wherever else he may be found. Defendant Dobbs is the founder, an employee, or agent of Defendant Lionheart at all times relevant to this suit.

III. JURISDICTION AND VENUE

3.1 The Court has subject matter jurisdiction over this civil action because Plaintiffs seek damages in excess of the minimum jurisdictional limit of this Court.

3.2 Venue is proper in Dallas County Texas, pursuant to Texas Civil Practice and Remedies Code § 15.002(a)(2) because Dallas County is the county in which Defendants Fettermen and Davidson resided at all material times to this case. Defendants Fettermen and Davidson was Endeavor's agents and/or employees that worked at the at the South Lake Campus at all times material to this suit.

3.3 Plaintiffs expressly disavow any claims are being made pursuant to federal law, treaties, or constitution. Although the amount in controversy exceeds \$75,000.00 there is a lack of complete diversity because at least all Plaintiffs and five Defendants are citizens of Texas.

3.4 Pursuant to Texas Rule of Civil Procedure 47, Plaintiffs herein state that they are seeking damages in excess of \$1,000,000.00.

IV.
GENERAL ALLEGATIONS OF FACTS

4.1 On or about September of 2022, Defendant Endeavor owned, controlled, and operated a pre-school known as “Carpe Diem Private School—South Lake Campus” located at 300 Randell Mill Ave., South Lake, Texas 76092. Defendant Endeavor is a national company that owns, operates, and controls dozens of private pre-schools in multiple states across the country.

4.2 Upon information and belief, Defendant Marie Fetterman served as Defendant Endeavor’s South Lake’s “School Leader” or executive officer and/or principal at all times relevant to this suit. Upon information and belief, Defendant Marie Fetterman interviewed and oversaw all hiring of staff at Defendant Endeavor’s South Lake campus—including background and reference checks into all new employee hires. Upon information and belief, prior to September 2022, Defendant Marie Fetterman interviewed, investigated, and hired Defendant Thaddeus Davidson in July of 2022 to work with students in her capacity as an agent and employee of Defendant Endeavor. Upon information and belief, Defendant Fetterman represented to parents and staff that she had worked with Defendant Davidson previously and that he was an award-winning employee and highly qualified to care for their children.

4.3 Defendant Endeavor advertises and represents that it is a “leading education management company,” and its campuses are safe and trusting environments with qualified and competent staff. Defendant Endeavor claims that it provides a premium pre-school education experience for its students. Specifically, Defendant Endeavor represents the following on its website:

At Endeavor Schools, our pursuit of building a world-class family of private schools is guided by our core values. We seek to hold ourselves and each of our team members accountable for demonstrating them every day. After all, it is our

core values that define our aspiration of how we interact together as teammates, as well as with the children, families and communities that we serve. Recognition. We celebrate the success of our teammates. We spread the good news about the positive impact we are making in each other's lives and in the lives of children and families. Excellence. We understand that we will not achieve the impact we seek without sustained dedication to delivering value. We must be disciplined in terms of becoming the best professionals, and the best people we can be. Service. We are committed not only to serving the children and families in our school communities, but also to serving the needs of our teammates. Positivity. We strive to inspire and draw out the best in each other. We persevere through sometimes difficult circumstances for the benefit of our schools. Ethics. We do not compromise when it comes to our ethical standards. We hold each other accountable to doing things the right way. Collaboration. We engage with our school communities—families and teammates alike—to define our shared vision for how each of our schools will evolve. Trust. We work to prove that our actions are guided by the best interests of those we serve. We seek to build trust with all stakeholders through transparent, honest communication.¹

4.4 Further, Defendant Endeavor has openly published the below duties and commitments to its students on its website:

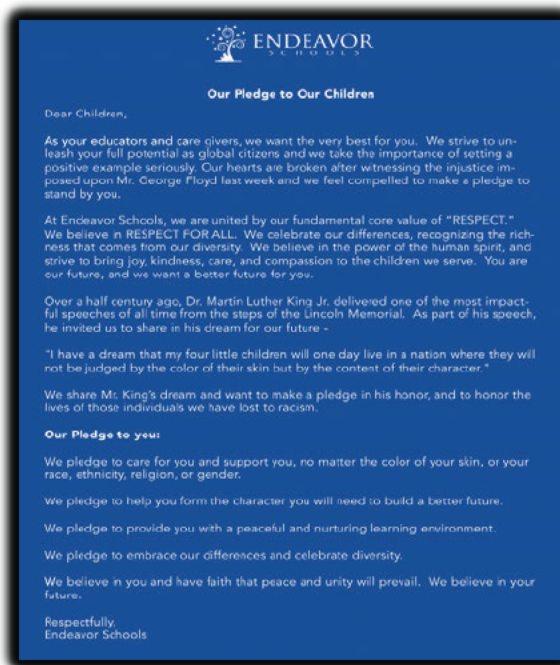


Illustration No. 1²

¹ <https://www.endeavorschools.com/philosophy-principles/>

² <https://www.endeavorschools.com/about-us/our-pledge-to-our-children/>

4.5 Upon information and belief, after moving to Grapevine, Texas, Plaintiffs decided to enroll O.S., a Minor, in Defendant Endeavor’s Carpe Diem Private School—South Lake Campus in May of 2022. O.S., a Minor, was three (3) years old at all relevant times to this suit. Plaintiffs relied on the representations made by Defendant Endeavor and its agents, employees, and representatives when trusting Defendants with their child.

4.6 Upon information and belief, after Defendant Davidson was hired at Defendant Endeavor’s South Lake Campus he was placed in small and unsupervised classrooms with multiple children. Upon information and belief, Defendant Davidson was even paired off with individual children, including O.S., a Minor. Upon information and belief, Defendants Endeavor and Fetterman gave Defendant Davidson access to O.S., a Minor, from approximately July 12, 2022, through October 11, 2022.

4.7 Upon information and belief, on September 22, 2022, and potentially on multiple other occasions Defendant Davidson sexually abused O.S., a Minor, by performing inappropriate sexual contact with the child (“Subject Incident”). Defendants’ actions have caused Plaintiffs severe and life-long damages. Defendant Davidson is currently being criminally prosecuted for the sexual abuse of O.S., a Minor and was arrested in October of 2022. Upon information and belief, only after he was arrested did Defendants Endeavor and Fetterman terminate Defendant Davidson’s employment.

4.8 Prior to being employed with Defendant Endeavor, Defendant Davidson was employed by Defendants Lionheart and Castaneda and Lionheart Academy at Cross Roads Bible Church located at Cross City Church located in Euless, Texas. Upon information and belief, Defendant Lionheart sent out a letter to the families of its students on October 17, 2022,

admitting that two incidents of child abuse by Defendant Davidson were brought to the attention of their employee and academy director, Defendant Sarah Castaneda, as far back as 2021.

4.9 Upon information and belief, Defendants Castaneda and Lionheart failed to notify the appropriate authorities, such as the Texas Department of Family and Protective Services, and other entities in place to protect children about the child abuse allegations pertaining to Defendant Davidson. Further, Defendants Castaneda and Lionheart failed to document Defendant Davidson's child abuse allegations internally or reference the allegations during their references for him. Upon information and belief, Defendant Castaneda was only terminated from Defendant Lionheart for covering up these abuse allegations after Defendant Davidson was arrested publicly. Upon information and belief, Defendant Lionheart and Castaneda's failure to take appropriate action after receiving the initial child abuse allegations pertaining to Defendant Davidson, their employee at the time, directly caused Plaintiffs' injuries and damages.

V. CAUSES OF ACTION

A. **Defendants Endeavor and Marie Fettermen—Negligence, Negligent Hiring and Retention, Negligent Undertaking, and Gross Negligence**

5.1 Defendants Endeavor and Marie Fettermen committed actions of omission and commission, which collectively and severally, constituted negligence, and gross negligence, which were proximate causes of the injuries and damages to Plaintiffs.

5.2 Defendants Endeavor and Fettermen had a duty to exercise ordinary care and breached that duty in one or more of the following ways:

- (a) Failing to provide a safe environment for the children placed in its care such as O.S., a Minor;

- (b) Failing to act as a reasonably prudent childcare facility would in the same or similar circumstances in regards to enforcing and implementing safety policies;
- (c) Failing to comply with state and industry standards pertaining to supervision and oversight of employees interacting with children such as, O.S., a Minor;
- (d) Failing to act as a reasonably prudent childcare facility would in the same or similar circumstances in regards to performing investigations and background checks into its new hire employees;
- (e) Failing to properly supervise the children placed in its care such as O.S., a Minor;
- (f) Hiring and/or retaining staff whom it knew or should have known were reckless, incompetent, or dangerous for the children placed in its care;
- (g) Entrusting children to staff whom it knew or should have known were reckless, incompetent, and dangerous;
- (h) Failing to properly train staff in safe childcare practices and protocols to identify and prevent abuse of children;
- (i) Failing to remove Defendant Davidson from contact with children after receiving constructive or express notice of his abuse of the children placed in his care; and
- (j) Failing to comply with local and state laws and regulations pertaining to the care and supervision of children such as O.S., a Minor.

5.3 Further, Defendants Endeavor and Fettermen undertook, gratuitously or for consideration, the responsibility to provide a safe environment, care for, and supervise O.S., a Minor. In doing so, Defendants failed to exercise reasonable care when caring for and supervising O.S., a Minor. Defendants Endeavor and Fettermen's failure to exercise reasonable care increased the risk of harm to O.S., a Minor. Plaintiffs relied upon the undertakings of Defendants when placing O.S., a Minor in Defendants' care.

5.4 The negligent conduct of Defendants on the occasion in question was a proximate cause of the Subject Incident and the injuries and damages to Plaintiffs.

5.5 The acts or omissions of Defendants Endeavor and Fettermen, when viewed objectively from their standpoint at the time of their occurrence, involved an extreme degree of

risk, considering the probability and magnitude of the potential harm to others. These acts and omissions were more than momentary thoughtlessness, inadvertence, or error of judgment. Rather, Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others. Such acts and/or omissions of gross negligence as the law defines it were each and all, separately and concurrently, a proximate cause of the incident described above and the resulting injuries and damages sustained by Plaintiffs, as set forth herein, and it is on the basis of such gross negligence that Plaintiffs hereby seeks an award of exemplary damages.

B. Defendant Endeavor—*Respondeat Superior*

5.6 Defendant Endeavor is liable under the doctrine of *respondeat superior* for the conduct of Defendants Fettermen and Davidson as their actions occurred while in the course and scope of employment for and on behalf of Defendant Endeavor.

5.7 All of the acts of negligence described herein, and as specifically alleged against Defendants Fetterman and Davidson were ratified by Defendant Endeavor and were the proximate causes of Plaintiffs' damages.

C. Defendant Thaddeus A. Davidson—Negligence and Gross Negligence

5.8 Defendant Davidson was acting in the course and scope of his employment with Defendant Endeavor at all material times to this lawsuit. Defendant Davidson committed actions of omission and commission, which collectively and severally, constituted negligence, and gross negligence, which were proximate causes of the injuries and damages to Plaintiffs.

5.9 Defendants Davidson had a duty to exercise ordinary care and breached that duty in one or more of the following ways:

- (a) Failing to provide a safe environment for the children placed in his care such as O.S., a Minor;

- (b) Failing to act as a reasonably prudent care giver would in the same or similar circumstances in regards to interacting, supervising, and caring for the children that were placed in his care; and
- (c) Failing to disclose previous allegations of child abuse against himself prior to interacting with the children at Defendant Endeavor’s South Lake Campus; and
- (d) Failing to comply with local and state laws and regulations pertaining to the care and supervision of children such as O.S., a Minor.

5.10 The negligent conduct of Defendant Davidson on the occasion in question was a proximate cause of the Subject Incident and the injuries and damages to Plaintiffs.

5.11 The acts or omissions of Defendant Davidson, when viewed objectively from his standpoint at the time of their occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. These acts and omissions were more than momentary thoughtlessness, inadvertence, or error of judgment. Rather, Defendant had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others. Such acts and/or omissions of gross negligence as the law defines it were each and all, separately and concurrently, a proximate cause of the incident described above and the resulting injuries and damages sustained by Plaintiffs, as set forth herein, and it is on the basis of such gross negligence that Plaintiffs hereby seeks an award of exemplary damages.

**D. Defendants Lionheart, Sarah Castaneda, Amelia Beall, and Stan Dobbs—
Negligence, Negligent Undertaking, and Gross Negligence**

5.12 Defendants Lionheart, Castaneda, Beall, and Dobbs committed actions of omission and commission, which collectively and severally, constituted negligence, and gross negligence, which were proximate causes of the injuries and damages to Plaintiffs.

5.13 Defendants Lionheart, Castaneda, Beall, and Dobbs had a duty to exercise ordinary care and breached that duty in one or more of the following ways:

- (a) Failing to take the appropriate actions in response to child abuse allegations purportedly committed by Defendant Davidson while he was an employee of Lionheart;
- (b) Failing to act as a reasonably prudent childcare facility would in the same or similar circumstances in regards to handling allegations of child abuse by one of its employees at the time—Defendant Davidson;
- (c) Failing to comply with state and industry standards pertaining to reporting child abuse by an employee interacting with children;
- (d) Failing to act as a reasonably prudent childcare facility would in the same or similar circumstances in regards to implementing protocols and procedures to ensure that child abuse allegations are reported to the appropriate authorities and included in the file and references of past and present employees;
- (e) Failing to disclose and report child abuse allegations of employees to the authorities and parents of children in a timely manner.
- (k) Failing to properly train staff in safe childcare practices and protocols to identify, report, and prevent abuse of children; and
- (l) Failing to comply with local and state laws and regulations pertaining to reporting alleged child abuse by employees.

5.14 Further, Defendants Lionheart and Castaneda undertook, gratuitously or for consideration, the responsibility to provide facilitate a safe environment for children by reporting and disclosing all child abuse allegations to the appropriate authorities. In doing so, Defendants failed to exercise reasonable care when responding to the child abuse allegations against Mr. Davidson during his time being employed at Lionheart. Defendants' failure to exercise reasonable care increased the risk of harm to O.S., a Minor. Plaintiffs relied upon the undertakings of Defendants when placing O.S., a Minor in Defendant Endeavor's care.

5.15 The negligent conduct of Defendants on the occasion in question was a proximate cause of the Subject Incident and the injuries and damages to Plaintiffs.

5.16 The acts or omissions of Defendants Lionheart, Castaneda, Beall, and Dobbs, when viewed objectively from their standpoint at the time of their occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. These acts and omissions were more than momentary thoughtlessness, inadvertence, or error of judgment. Rather, Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others. Such acts and/or omissions of gross negligence as the law defines it were each and all, separately and concurrently, a proximate cause of the incident described above and the resulting injuries and damages sustained by Plaintiffs, as set forth herein, and it is on the basis of such gross negligence that Plaintiffs hereby seeks an award of exemplary damages.

E. Defendants Lionheart, Castaneda, Beall, and Dobbs—Negligence *Per Se*

5.17 Negligence *per se* is one method of proving, through proof of an unexcused violation of a statute, designed to protect the class of persons to which the injured party belongs, the breach of duty required in any negligence cause of action.

5.18 Upon information and belief, Defendants' acts and/or omissions violated the following provisions of the Texas Family Code:

- (a) Tex. Family Code § 261.109, which provides that (a) A person commits an offense if the person is required to make a report under Section 261.101(a) and knowingly fails to make a report as provided in this chapter. (a-1). A person who is a professional as defined by Section 261.101(b) commits an offense if the person is required to make a report under Section 261.101(b) and knowingly fails to make a report as provided in this chapter. An offense under Subsection (a) is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the child was a person with an intellectual disability who resided in a state supported living center, the ICF-IID component of the Rio Grande State Center, or a facility licensed under Chapter 252, Health and Safety Code, and the actor knew that the child had suffered serious bodily injury as a result of the abuse or neglect. An offense under Subsection (a-1) is a Class A misdemeanor, except that the

offense is a state jail felony if it is shown on the trial of the offense that the actor intended to conceal the abuse or neglect.

- (b) Tex. Family Code § 261.101, which provides that Sec. 261.101. PERSONS REQUIRED TO REPORT; TIME TO REPORT. (a) A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter. If a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers. (b-1) In addition to the duty to make a report under Subsection (a) or (b), a person or professional shall make a report in the manner required by Subsection (a) or (b), as applicable, if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of: (1) another child; or (2) an elderly person or person with a disability as defined by Section 48.002, Human Resources Code. (c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services. (d) Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only: (1) as provided by Section 261.201; or (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

5.19 At the time of the Subject Incident, O.S., a Minor, was a member of the class the

aforementioned statutes were intended to protect. Plaintiffs' injuries sustained from Defendants' violations of the aforementioned statutes are the type of injuries said statutes were intended to prevent.

5.20 The aforementioned negligent conduct of Defendants on the occasion in question was a proximate cause of the occurrence in question and the injuries and damages to Plaintiffs.

5.21 Defendants' negligent conduct on the occasion in question was a proximate cause of the Subject Incident and the injuries and damages to Plaintiffs.

E. Defendant Lionheart—*Respondeat Superior*

5.22 Defendant Lionheart is liable under the doctrine of *respondeat superior* for the conduct of Defendant Castaneda and other employees as their actions occurred while in the course and scope of employment for and on behalf of Defendant Endeavor.

5.23 All of the acts of negligence described herein, and as specifically alleged against Defendants Castaneda were ratified by Defendant Lionheart and were the proximate causes of Plaintiffs' damages.

F. Defendant Endeavor—Violations of the Texas Deceptive Trade Practices Act

5.24 In addition to Plaintiffs' common law claims, the Deceptive Trade Practices-Consumer Protection Act ("DTPA") provides additional protections and damages to consumers who are victims of deceptive, improper, or illegal practices. Plaintiffs are consumers as defined by Texas Business and Commercial Code, Section 17.45(d). Upon information and belief, Plaintiffs and Defendant Endeavor entered into a contractual agreement wherein Defendant Endeavor agreed to render childcare services for Plaintiffs and provide O.S., a Minor with a safe environment in exchange for a monthly tuition of \$1,325.00.

Financial Agreement

Registration Fee: \$ 300.00
 Security Deposit: \$ 200.00 Monthly Tuition Rate: \$ 1325.00

Notes

Registration Fee and Security Deposit are due at time of enrollment.
 Security Deposit will be refundable provided a 30 day written notice.

2021-2022 Program Tuition Rates

Program	Monthly Tuition	Program	Monthly Tuition
Infants (M-F)	1606	Preschool B (M-F)	1325
Young Toddler (M-F)	1549	Preschool B (M-F Half Day)	1005
Young Toddler (M-F Half Day)	1205	Preschool B (M,W,F)	1005
Young Toddler (M,W,F)	1205	Preschool B (M,W,F Half Day)	749
Young Toddler (M,W,F Half Day)	859	Preschool B (T,Th)	749
Young Toddler (T,Th)	859	Pre-Kindergarten (M-F)	1291
Older Toddler (M-F)	1475	Pre-Kindergarten (M-F Half Day)	979
Older Toddler (M-F Half Day)	1121	Pre-Kindergarten (M,W,F)	979
Older Toddler (M,W,F)	1121	Pre-Kindergarten (M,W,F Half Day)	693
Older Toddler (M,W,F Half Day)	830	Pre-Kindergarten (T,Th)	693
Older Toddler (T,Th)	830	Private Kinder/APK	1350
Preschool A (M-F)	1433	Afterschool Care	518
Preschool A (M-F Half Day)	1070	In-Service/Holiday Care	20 each day
Preschool A (M,W,F)	1070		
Preschool A (M,W,F Half Day)	797		
Preschool A (T,Th)	797		

Monthly Tuition will be due on the 1st of each month. A late fee of 10% will be assessed for payments not received upon the 4th of the month. I understand the school shall have the right to legal action for the collection of school fees and tuition and that I will be held responsible for all costs of collection, including court costs and attorney fees.

Signatures of Parents or Guardians financially responsible for Student:

Parent Signature: [Signature] Date: 4/15/22
 Director Signature: [Signature] Date: 4-15-22

Illustration No. 2

5.25 As set forth in the facts section of this Petition, Defendant Endeavor’s website and contractual paperwork is replete with representations about the standard of care that Defendant Endeavor agreed to provide to the children and families that pay for Defendant Endeavor’s services.

5.26 The circumstances that led to the sexual abuse of O.S., a Minor, while in Defendant Endeavor’s care constitute violations of the of the Texas Deceptive Trade Practices Act (“DTPA”). giving rise to a statutory cause of action. Defendant is liable for its violations of the DTPA as follows:

- (a) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which he does not, in violation of Texas Business & Commerce Code §17.46(b)(5);
- (b) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another, in violation of Texas Business & Commerce Code §17.46(b)(7);

- (c) Failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed, in violation of Texas Business & Commerce Code §17.46(b)(24);
- (d) Breach of an express or implied warrant pursuant to §17.50 (a)(2); and,
- (e) An unconscionable action or course of action in violation of §17.50 (a)(3).

5.27 Defendant's conduct was a producing cause of Plaintiffs' economic and mental damages. As a result, pursuant to the DTPA, Plaintiffs are entitled to recover for past and future medical expenses, past and future loss of income, and any other direct or consequential economic damages.

5.28 Defendant Endeavor's conduct was also a producing cause of Plaintiffs' mental anguish damages. Defendant's conduct was committed knowingly, therefore, Plaintiffs are entitled to recover mental anguish damages as well, pursuant to §17.50 of the DTPA.

5.29 Defendant Endeavor's conduct was committed knowingly, as defined by the DTPA, because it had actual awareness, at the time of the acts, omissions, practices, and conduct complained of, of the falsity, deception, or unfairness giving rise to Plaintiffs' claim, and/or in the alternative, because of Defendant's breach of express and implied warranties.

5.30 Plaintiffs are entitled to recover treble damages because Defendant's actions were knowingly committed. Tex. Bus. & Com. Code §17.50 (b)(1).

5.31 Plaintiffs are also entitled to recover reasonable and necessary attorney fees for Defendant's DTPA violations. Tex. Bus. & Com. Code §17.50(d). Defendant Endeavor has received actual and constructive notice of the Plaintiffs' right to obtain damages and attorney's fees pursuant to the DTPA but failed to mitigate their damages or respond in a timely manner.

VI.
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS/BYSTANDER RECOVERY

6.1 As a result of Defendants' tortious conduct, Plaintiffs sustained severe mental anguish and emotional distress, as he was present at the time of the Subject Incident and contemporaneously perceived the physical and emotional suffering of their daughter, O.S., a Minor, after being subjected to criminal investigation into this matter and reviewed the evidence of the abuse.

6.2 Plaintiffs suffered severe shock as a result of the direct emotional impact, stemming from a sensory and contemporaneous observation of the subject incident and injuries of O.S., a Minor.

6.3 Defendants' tortious conduct, referenced above, was a proximate cause of the mental anguish and emotional distress suffered by Plaintiffs, and all of their damages relating thereto.

VII.
COMPENSATORY DAMAGES

7.1 As a result of Plaintiffs' injuries, Plaintiffs seek monetary damages for compensation for the following elements of damages:

- (a) Past and future physical pain and suffering;
- (b) Past and future mental anguish;
- (c) Past and future medical expenses;
- (d) Exemplary and/or punitive damages;
- (e) Attorney's fees, court costs, pre and post judgment interest;
- (f) Treble damages and/or all other DTPA damages.

VIII.
PRE- AND POST-JUDGMENT INTEREST

8.1 Plaintiffs seek recovery of such pre-judgment and post-judgment interest at the highest rates permitted by law.

IX.
REQUEST FOR JURY TRIAL

9.1 Plaintiffs request a trial by jury and hereby tender the applicable fee.

X.
CONDITIONS PRECEDENT

10.1 Pursuant to Rule 54 of the Texas Rules of Civil Procedure, all conditions precedent to Plaintiffs' right to recover herein and to Defendant's liability have been performed or have occurred.

XI.
RESERVATION OF RIGHTS

11.1 Plaintiffs reserve the right to prove the amount of damages at trial. Plaintiffs reserves the right to amend their Petition and add additional counts and/or parties as discovery continues.

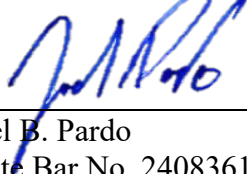
XII.
PRAYER

12.1 Plaintiffs pray that Defendants be cited to appear and answer herein, that this cause be set for trial before a jury, and that Plaintiffs recover judgment of and from Defendants for all their damages, in such amount as the evidence shows and the jury determines to be proper. Plaintiffs are seeking \$100,000,000.00 in damages, together with pre-judgment interest and post-judgment interest, costs of suit, and such other and further relief to which Plaintiffs may show themselves to be entitled, whether at law or in equity.

Dated this 26th day of January 2023.

Respectfully Submitted,

THE LAW OFFICES OF JOEL PARDO, P.C.



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