

Cause No. \_\_\_\_\_

Cristian Guzman	§	In the District Court
	§	
vs.	§	Of Harris County Texas
	§	
Live Nation Entertainment Inc., NRG	§	
Park a/k/a NRG Stadium, NRG Energy,	§	
and Harris County Sports & Convention	§	
Corporation	§	_____ Judicial District

### **Original Petition and Temporary Restraining Order**

Cristian Guzman requests that the Court immediately issue an Order restraining Live Nation Entertainment, Inc., NRG Energy, Inc., NRG Park a/k/a NRG Stadium, and Harris County Sports & Convention Corporation from damaging, modifying, altering, selling or disposing of any evidence of negligence at NRG Park during the Astroworld Fest 2021 on the night of November 5 and the morning of November 6, 2021.

#### **I. Parties**

Plaintiff Cristian Guzman is an individual and citizen who resides in Houston, Texas.

Defendant Live Nation Entertainment, Inc. was the promoter for the festival and is a New York Stock Exchange publicly traded company incorporated under the laws of the State of Delaware, with its principal place of business in Beverly Hills, California and which may be served through its Registered Agent, Corporate Creations Network, Inc., 5444 Westheimer Road, Suite 1000, Houston, Texas 77056.

Defendant NRG ENERGY, INC. is a corporation incorporated in the State of Delaware. Service of process to Defendant can be affected by personal delivery by serving

the Registered Agent, CT Corporation System, at its registered address: 1999 Bryan St., Suite 900, Dallas, TX 75201-3136. NRG Park a/k/a NRG Stadium is believed to be a subsidiary of NRG Energy, Inc.

Defendant HARRIS COUNTY SPORTS & CONVENTION CORPORATION is a corporation incorporated in the State of Texas. Service of process to said Defendant can be affected by personal delivery by serving the Registered Agent, Kevin H. Hoffman, at its registered address: One NRG Park, Houston, TX 77054.

## **II. Venue and Jurisdiction**

Venue is proper and maintainable in Harris County, Texas because the incident in question occurred in Harris County, Texas. The Court has jurisdiction in this matter since Plaintiff's damages are within its jurisdictional limits.

## **III. Request for Injunctive Relief**

Mr. Guzman requires injunctive relief from this Court to preserve material evidence which at this time is in jeopardy of being discarded, altered, sold, or destroyed.

On Friday, November 5, 2021, Cristian Guzman attended Astroworld Fest 2021 at NRG Park which was put on by Live Nation Entertainment, Inc. The event was on the property of and/or under the control of NRG Park a/k/a NRG Stadium, NRG Energy, Inc., and Harris County Sports & Convention Corporation.

During the concert there was a surge of uncontrolled people pushing throughout the crowd. The pushing soon became chaos as people were stampeded and trampled on. It is

believed at this time that at least eight people have died and hundreds of others were injured. Mr. Guzman was pushed to the ground and trampled which has resulted in a significant back injury.

During this time the security for the concert failed to maintain order. There are numerous videos showing people dancing on top of police vehicles as the police were attempting to control the crowd, videos of unconscious bodies being crowd surfed to medical attention, and numerous comments about the medical staff being under trained and not provided with sufficient equipment. All the while, the show went on with Travis Scott continuing to perform - even after stopping the show because he saw people that needed help.

#### **IV. Prayer for Injunctive Relief**

Mr. Guzman requests that this Court sign an ex-parte temporary restraining order, restraining Live Nation Entertainment, Inc.; NRG Energy, Inc.; NRG Park a/k/a NRG Stadium; and Harris County Sports & Convention Corporation from damaging, modifying, altering, selling, or disposing of any of the following:

- Videos or pictures that were recorded, including drone footage.
- Any social media posts from November 5 or November 6, 2021.
- Any information about employees or contractors that were working as security or medical professionals, including employment files.
- Any and all receipts for medical equipment that was provided.

- Any policies or procedures about crowd control.
- Any policies or procedures about providing medical assistance.
- Any records about attendance.
- Any records about crowd control devices used.
- Any incident reports.
- Any witness statements.
- Any reprimands for employees of Defendants.

#### **V. Plaintiff's Original Petition and Request for Jury Trial**

Cristian Guzman ("Plaintiff") brings this cause of action against Live Nation Entertainment, Inc.; NRG Energy, Inc.; NRG Park a/k/a NRG Stadium; and Harris County Sports & Convention Corporation ("Defendants") and would show:

#### **VI. Discovery Level**

Plaintiff intends to conduct discovery in this matter under Level 3 of Rule 190 of the Texas Rules of Civil Procedure. Per Texas Rule of Civil Procedure 47(b), Plaintiff seeks an amount exceeding \$1,000,000.00.

#### **VII. Facts and Legal Claims**

Based on the facts described above Plaintiff would show that nothing Plaintiff did or failed to do on the occasion in question caused or in any way contributed to cause the occurrence. To the contrary, the injuries to Plaintiff was proximately caused by the negligence, both of commission and omission, of the Defendants jointly or individually.

Defendants failures include, but are not limited to:

- Failing to control and supervise the crowd at the event;
- Failing to provide an adequate number of security personnel;
- Failing to provide properly trained security personnel;
- Failing to provide sufficient equipment for security personnel;
- Failing to provide an adequate number of medical professionals;
- Failing to provide properly trained medical professionals;
- Failing to provide sufficient equipment for medical professionals;
- Failing to provide proper crowd control policies and procedures;
- Failing to prevent a stampede from occurring and killing at least 8 people and injuring hundreds of others and the ensuing chaos.

The injuries sustained by Plaintiff was proximately caused by the negligence and negligence *per se* of Live Nation Entertainment, Inc.; NRG Energy, Inc.; NRG Park a/k/a NRG Stadium; and Harris County Sports & Convention Corporation. Each of these Defendants is liable for the actions or inactions taken by the onsite staff through the principle of *respondeat superior*.

Further, and in addition to the previous facts and claims, each Defendants were negligent in hiring, training, and supervision of employees which was a proximate cause of the stampede and Plaintiff's injuries.

Each of these failures, individually or combined, led to the injuries suffered by

Plaintiff. Defendants' grossly negligent conduct justifies the imposition of punitive damages as punishment of Defendants and their callous disregard for the safety of individuals, including Plaintiff, as well as to deter other similarly situated actors.

### **VIII. Premises Liability**

Each of the Defendants owned or were in control of the property in question.

Plaintiff was an invitee at the time of the injury on Defendant's property, as they were concert goers at Defendant's express invitation in order to make a profit off of them.

Defendants owed Plaintiff a duty to exercise ordinary care to keep the premises in reasonably safe condition, inspect the premises to discover latent defects, and to make safe any defects or give an adequate warning of any dangers. Defendants were also required to keep Plaintiff safe from dangerous activities, and since dangerous activities were likely to occur at the concert to take reasonable steps to prevent such activities or to take reasonable steps to make the premises safe.

Defendants failed to exercise ordinary care in making the area safe or to warn of any potential dangers. Those failures have led directly to Plaintiff's injuries.

### **IX. Damages**

By virtue of the actions and conduct of the Defendants set forth above, Plaintiff was seriously injured. By reason of those injuries and the damages flowing in law therefrom, this suit is maintained.

Because of the nature and severity of the injuries sustained, Plaintiff has suffered

disfigurement, physical pain, and mental anguish and, in reasonable probability, will continue to suffer disfigurement, physical pain, and mental anguish in the future. Because of the action and conduct of the Defendants, Plaintiff has sustained very painful and disabling physical injuries.

Plaintiff has suffered and will continue to suffer physical impairment, limitation of activities and loss of enjoyment of life.

Because of the action and conduct of the Defendants herein Plaintiff's wage earning capacity has been diminished.

#### **X. Pre-and Post-Judgment Interest**

Plaintiff would additionally show that he is entitled to recovery of pre- and post-judgment interest in accordance with law and equity as part of their damages, and Plaintiff here and now sues for recovery of pre- and post-judgment interest as provided by law and equity, under the applicable provisions of the laws of the State of Texas.

#### **XI. Jury Demand**

Plaintiff hereby requests a trial by jury.

#### **XII. Conclusion and Prayer**

Plaintiff requests that Defendants be cited to appear and answer, and that on final trial Plaintiff has (1) judgment against Defendants, for actual, compensatory and exemplary damages in accordance with the evidence; (2) pre-judgment and post-judgment interest as

provided by law; (3) costs of court; (4) attorney's fees; and (5) such other and further relief, general and special, to which Plaintiff may show himself justly entitled at law and in equity.

Respectfully submitted,

**VB Attorneys**

*/s/ Vuk S. Vujasinovic*

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