

CAUSE NO. DC-25-16691

AUSTEN BAXTER AND AMY CENTENO,
INDIVIDUALLY AND AS PARENTS AND
NEXT FRIENDS OF S.B., A MINOR CHILD,

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IN THE DISTRICT COURT OF

PLAINTIFFS,

VS.

DALLAS COUNTY, TEXAS

MSBR OPERATIONS, LLC D/B/A
PRIMROSE SCHOOL OF FORNEY AT
GATEWAY,

14th JUDICIAL DISTRICT

DEFENDANT.

ORIGINAL PETITION AND JURY DEMAND

1. Austen Baxter and Amy Centeno, like many parents across this country and the state of Texas, are working parents who rely on a daycare to provide a safe, caring, nurturing environment for their daughter, S.B., while they are working. Austen Baxter and Amy Centeno trusted that their daughter would be safe while in the care of Primrose School of Forney at Gateway.¹

2. A safe learning environment and peace of mind are what parents like Austen Baxter and Amy Centeno pay for and expect. Instead, their trust was violated when their daughter S.B. suffered serious physical, emotional, and mental injuries because of the failures of Primrose School of Forney at Gateway as a result of the daycare's negligence. They bring this lawsuit on

¹ This petition refers to Defendant MSBR Operations, LLC d/b/a Primrose School of Forney at Gateway as "Primrose School of Forney at Gateway"

their family's behalf asking for answers and asking that Primrose School of Forney at Gateway accept responsibility.

I. STATEMENT OF FACTS

3. Primrose School of Forney at Gateway claims that the safety of children is “a top priority,” assuring parents that staff receive continuous health and safety training.² Their promise to deliver “the best and most trusted early education and care for children and families across America” is a central reason parents feel confident entrusting their children to Primrose School of Forney at Gateway.³ However, these promises ring hollow when caregivers are observed sitting together, talking, and looking at an iPad instead of actively supervising children on the playground. This lack of attentiveness allowed children to engage in unsafe behavior without any intervention—directly contradicting the standards of care Primrose School of Forney at Gateway claims to uphold.

4. Primrose School of Forney at Gateway is responsible for qualifying, hiring, training, and supervising its employees on providing safe and proper care conducive to the welfare of the children; properly supervising children in their care at all times; intervening as to prevent injury to children in their care; compliance with Texas's minimum standards for childcare; the use of good judgment, competency, and control; and the proper reporting and documentation of incidents involving injury and risk of harm to children in their care. Yet, Primrose School of Forney at Gateway's violation history with the state of Texas clearly displays their continuous failures to adhere to the minimum standards to protect the children in their care.

² Primrose School of Forney at Gateway's Website, <https://www.primroseschools.com/education/health-safety> (last visited on 09/08/2025).

³ Primrose School of Forney at Gateway's Website, <https://www.primroseschools.com/about-us> (last visited on 09/08/2025).

5. On July 24, 2024, what should have been an ordinary day of outdoor play, ended with a traumatic and completely preventable injury to a 6-year-old child, S.B., under the supervision and care of Primrose School of Forney at Gateway. Due to the daycare's blatant negligence and failure to adhere to basic supervision standards, S.B. broke her foot in **three separate places** after jumping from a prohibited railing on a playground structure—a railing clearly intended to prevent such activity from occurring.

6. While the daycare operation asserts that verbal redirection was provided to discourage this behavior, an investigation by Texas Health and Human Services childcare licensing revealed an alarming contradiction. **Four separate child witnesses consistently stated that they were never told not to jump**, and **multiple children had been repeatedly jumping from the same spot** without intervention. These are not isolated accounts—they form a clear and credible pattern of unsafe and unsupervised behavior.

7. A video clip, provided by the operation during the investigation and lasting only 11 seconds, further supports these claims. During the clip, two caregivers were seen seated at a picnic table **15 feet away from the play structure**. Both caregivers are seen facing each other on the picnic table with one's back to the playground while the other is seen facing the play structure. The caregivers make **no effort to redirect or intervene** as S.B.'s legs dangle over the railing moments before her fall.

8. Multiple caregivers acknowledged that jumping from that specific railing was explicitly dangerous and should have been stopped immediately. Statements made by the two caregivers on the playground reveal **multiple contradictions and shifting narratives**, further calling their credibility into question. At different points, they claim to have warned the children repeatedly—yet no child recalls ever being warned. One caregiver asserts she was showing the other

caregiver something on the iPad at the time of the incident, despite the video showing no such interaction. The other caregiver alternates between claiming not to have seen the children jump, to then admitting that “you can only say it so many times,” suggesting a **dismissive attitude towards the safety of the children in their care.**

9. Even more troubling, **S.B. was not immediately noticed when injured.** According to child witnesses, another student had to help her over to the caregivers—underscoring a shocking lack of attention and awareness by Primrose School of Forney at Gateway.

10. This incident is not just a singular failure—it is a systemic breakdown in supervision, accountability, and honesty. S.B. endured immense physical pain, emotional distress, and a long recovery due to an avoidable action of negligence.

11. Children deserve vigilant, compassionate, and competent care. Primrose School of Forney at Gateway failed in the most fundamental responsibility of childcare: ensuring the safety of the children in their care. S.B. was failed. Liability is clear.

12. The investigation by the state of Texas resulted in citations being issued against Aggieland Country School for the violation of the following childcare licensing laws:

- **746.1201(4) General Responsibilities for Child-Care Center Personnel:** Ensure that no child abused, neglected, or exploited while in the care of the center.
- **746.1205(a)(4) Providing the level of supervision necessary to ensure each child’s safety and well-being, including physical proximity and auditory or visual awareness of each child’s on-going activity as appropriate:** Children were climbing over a rail on the playground and jumping off the equipment. *The 2 caregivers did not intervene to stop the children from jumping.* A child was later seriously injured from this action.
- **746.1201(1) Demonstrate competency, good judgment, and self-control in the presence of children and when performing assigned responsibilities:** Two caregivers did not follow the operation’s policy for playground supervision by *sitting at a picnic table and not scanning the playground and circulating around the area.*

- **746.307(b)(1) Required Notification – Injury requiring medical treatment by a healthcare professional or hospitalization:** The operation sent an incident report with limited information to the parent, but *did not contact the parent to inform the parent of the child's change in mobility and crying with injury.*
- **746.1203(3)(D) Caregivers must be free from activities not directly involving the teaching, care, and supervision of children, such as personal use of electronic devices:** Caregivers supervising children on the playground were on a phone or ipad. The caregivers did not state they were on the device for work related activities.

13. As a direct and proximate result of the actions and omissions of Primrose School of Forney at Gateway, Plaintiffs Austen Baxter and Amy Centeno, and S.B. sustained injuries and damages.

II. DISCOVERY CONTROL PLAN & CLAIM FOR RELIEF

14. Discovery in this matter is intended to be conducted under Level 3 of the Texas Rules of Civil Procedure.

15. As required by the Texas Rule of Civil Procedure 47(c), Plaintiffs' counsel states that Plaintiffs seek monetary relief over \$1,000,000.00.; however, the amount of monetary relief awarded will ultimately be determined by a jury.

III. PARTIES

11. Plaintiffs Austen Baxter and Amy Centeno, Individually and as Parents and Next Friends of Plaintiff S.B., a minor, and are citizens and residents of Kaufman County, Texas.

12. Defendant MSBR Operations, LLC d/b/a Primrose School of Forney at Gateway, is a Texas limited liability company doing business in this State. The Defendant's principal place of business is located at 5946 Mercedes Avenue, Dallas, Texas 75206-5910. Defendant operates a daycare under operation license number 1699156, located at 1451 Whaley Drive, Forney, Texas 75126,

and may be served with process by serving its registered agent, Sabina C. Bramlett at 5946 Mercedes Avenue, Dallas, Texas 75206-5910.

IV. JURISDICTION & VENUE

13. The Court has subject matter jurisdiction over this lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional requirements.

14. Venue is proper in Dallas County, Texas, under Texas Civil Practices and Remedies Code Section 15.002(a) because it is the county where Defendant's principal place of business is located.

V. CAUSES OF ACTION AGAINST DEFENDANTS

Count One – Negligence

15. Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

16. The occurrence made the basis of this suit, reflected in the above paragraphs, and the resulting injuries and damages of Plaintiffs were proximately caused by the negligent conduct of the Defendant. Defendant had a duty to maintain a safe environment for children in its care to prevent harm and injury to S.B. and other children similarly situated. Defendant was negligent by breaching the duty that was owed to Plaintiffs, to exercise ordinary care in one or more of the following acts or omissions, constituting negligence:

- a. Failing to exercise the care that was necessary under the circumstances;
- b. Failing to do what a reasonable daycare would have done under the circumstances;
- c. Failing to properly supervise the children in their care at all times;
- d. Failing to know maintain awareness the children they are responsible for;
- e. Failing to intervene to prevent injury to children;

- f. Failing to maintain a safe environment for children;
 - g. Failing to employ caregivers who demonstrate competency, good judgment, and self-control;
 - h. Failing to ensure no child is abused, neglected, or exploited;
 - i. Failing to properly respond to a situation requiring medical treatment;
 - j. Failing to properly notify parents of an incident involving injury to their child;
 - k. Failing to properly hire, qualify, train, and supervise its employee-caregivers and staff on properly supervising children; and
 - l. Choosing to employ staff who do not know or adhere to the Texas Department of Family Protective Services, Texas Minimum Standards for Child-care Centers.
17. Defendant had a duty to exercise ordinary care in caring for and supervising the children in its care to prevent injury to S.B. and other children similarly situated.
18. Defendant had a duty to maintain a safe environment for children in its care to prevent injury to S.B., and other children similarly situated.
19. Defendant had a duty to hire, train, and supervise caregiver-employees and staff to intervene in situations that could cause harm to a child, so as to prevent injury to S.B., and other children similarly situated.
20. Defendant breached the duty of care by failing to care for the children; failing to supervise the children; failing to maintain awareness of the children in their care; failing to maintain a safe environment for children; failing to intervene in a situation placing a child at risk of injury; failing to hire, train, and supervise qualified caregivers and staff to care for children; failing to provide an incident report for an incident involving serious harm or risk to children; and

failing to immediately *and honestly* notify parents of any situation placing their child at risk or causing harm.

21. Defendant's negligent acts and/or omissions and breach of duties directly and proximately caused injury to Plaintiffs, which resulted in significant damages.

Count Two – Negligence Per Se

22. Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

23. Defendant failed to exercise the mandatory standard of care in violation of the Texas Department of Family Protective Services, Minimum Standards for Child-Care Centers.

24. In the foregoing claims of negligence per se, Plaintiffs were, at all times, members of the class that the statutes were designed to protect.

25. Defendant's violation of the statutes was the proximate cause of the incident in question.

Count Three – Gross Negligence

26. Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

27. Defendant's conduct was more than momentary thoughtlessness or inadvertence. Rather, the acts and/or omissions by Defendant in the preceding paragraphs constitute gross negligence as the term is defined in Texas Civil Practices and Remedies Code §41.001(11).

28. Defendant's conduct involved an extreme degree of risk, considering the probability and magnitude of potential harm to the Plaintiffs. Defendant had actual, subjective awareness of the risk involved, but, nevertheless, proceeded in conscious indifference to the rights, safety, or welfare of Plaintiffs or of others similarly situated.

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

Count Four – Negligent Activity

30. Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

31. Defendant is the owner, operator, and/or possessor of the daycare premises located at 1451 Whaley Drive, Forney, Texas 75126, operation license number 1699156.

32. At the time of the incident, S.B. was a minor placed in the care of Defendant and was thus an “invitee” to whom Defendant owed a duty to exercise ordinary care.

33. Plaintiffs’ injuries were the direct and contemporaneous result of Defendant’s ongoing negligent activity on the premises at the time of the injuries and damages sustained.

34. Defendant owed Plaintiffs a legal duty to ensure S.B.’s safety in maintaining proper care over the children, ensuring the employees are necessarily hired, trained, supervised, and terminated in order to maintain a safe environment where children are cared for and supervised at all times. Defendant breached these duties by failing to hire, train and supervise its employee-caregivers and management, by failing to account for and maintain awareness of the children in their care, by failing to intervene in a situation placing a child at risk of injury, failing to accurately notify parents of the incident, and by failing to properly respond to an incident requiring medical attention.

35. Such negligent activity on the part of the Defendant proximately caused the injuries and other damages suffered by Plaintiffs.

VI. RESONDEAT SUPERIOR

36. Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

37. The negligence, carelessness, and callousness of Defendant’s employees proximately caused the damage and losses suffered by Plaintiffs as a result of the injury. At all times material

to their action, Defendant's employees were acting in the course and scope of their employment. Accordingly, Defendant may be held responsible for its employees' negligence under the doctrine of *respondeat superior*.

VII. DAMAGES

38. Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

39. As a direct and proximate cause of Defendant's negligent acts and/or omissions, Plaintiffs Austen Baxter and Amy Centeno, Individually and as Parents and Next Friends of Plaintiff S.B., a minor child, suffered damages and injuries that include, but are not limited to:

- a. Physical pain and suffering in the past;
- b. Physical pain and suffering, in reasonable probability, sustain in the future;
- c. Mental anguish in the past;
- d. Mental anguish, in reasonable probability, sustained in the future;
- e. Fear and anxiety in the past;
- f. Fear and anxiety, in reasonable probability, sustained in the future;
- g. Inconvenience in the past;
- h. Inconvenience, in reasonable probability, sustained in the future;
- i. Reasonable and necessary medical expenses in the past;
- j. Reasonable and necessary medical expenses, in reasonable probability, sustained in the future;
- k. Loss of wages in the past;
- l. Loss of wages, in reasonable probability, sustained in the future;
- m. Loss of wage-earning capacity in the past;

- n. Loss of wage-earning capacity, in reasonable probability, sustained in the future;
- o. Physical impairment in the past;
- p. Physical impairment, in reasonable probability, sustained in the future;
- q. Loss of normal enjoyment of the pleasure of life in the past;
- r. Loss of the normal enjoyment of the pleasure of life, in reasonable probability, sustained in the future;
- s. Costs of suit; and
- t. All other relief, in law and equity, to which Plaintiffs may be entitled.

40. Plaintiffs' damages clearly exceed the minimum jurisdictional requirements for this Court. Plaintiffs, therefore, seek compensation by the Court and jury for their damages, in an amount to be determined by the jury.

EXEMPLARY DAMAGES

41. Plaintiffs incorporate by reference the preceding paragraphs as if stated fully herein.

42. Plaintiffs would further show that the acts and/or omissions of the Defendant complained of herein were committed knowingly, willfully, intentionally, with actual awareness, and with the specific and predetermined intention of enriching said Defendant at the expense of Plaintiffs.

43. The grossly negligent conduct of Defendant, as described herein, constitutes conduct for which the law allows the imposition of exemplary damages. Accordingly, Plaintiffs seek the award of exemplary damages against Defendant pursuant to Chapter 41 of the Texas Civil Practices and Remedies Code.

VIII. JURY TRIAL

44. Plaintiffs demand a jury trial and have tendered the appropriate fee with the filing of this Original Petition.

IX. U.S. LIFE TABLES

45. Notice is hereby given that Plaintiffs intend to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendant be cited to appear and answer herein and upon final hearing hereof, they take, have and recover, of and from said Defendant, the above damages, exemplary damages, costs of court, pre-judgment interest, post-judgment interest, and for such other and further relief to which they may show themselves justly entitled.

Dated: September 11, 2025.

Respectfully submitted,

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