

25-3500-C480

CAUSE NO. _____

HALEY VAN EVERY, INDIVIDUALLY, AND AS	§	IN THE DISTRICT COURT OF
PARENT AND NEXT FRIEND OF A.F., A MINOR	§	
CHILD; AND CHRISTOPHER SCHWARZ,	§	
INDIVIDUALLY, AND AS PARENT AND NEXT	§	
FRIEND OF R.S., A MINOR CHILD,	§	
PLAINTIFFS,	§	
	§	
VS.	§	WILLAMSON COUNTY, TEXAS
	§	
EVERY CHILD LEARNS, LLC d/b/a	§	Williamson County - 480th Judicial District Court
THE LEARNING JUNCTION EARLY EDUCATION	§	
CENTER,	§	
DEFENDANT.	§	____ JUDICIAL DISTRICT

ORIGINAL PETITION AND JURY DEMAND

1. Haley Van Every, mother of nine-month-old A.F., and Christopher Schwarz, father of eight-month-old R.S., like many parents across the state of Texas, relied on a daycare to provide a safe, caring, and nurturing environment for their daughters. They had no idea that choosing the Learning Junction meant their daughters would be repeatedly exposed to drugs from a Delta-9 THC Vape Pen smoked in the classroom by a Learning Junction caregiver.¹ The Learning Junction endangered the life, safety, and well-being of A.F. and R.S. when they failed to enforce Texas Child Care Safety Laws, exposing them to dangerous drugs on a routine basis. Mrs. Van Every and Mr. Schwarz bring this lawsuit on behalf of their children and families in search of answers and asking that the Learning Junction accept responsibility for their failures.

¹ This Petition refers to Defendant Every Child Learns, LLC d/b/a The Learning Junction Early Education Center as "the Learning Junction," owned and managed by Tanya Stalder, located at 204 Evans Street, Hutto, Texas 78634, operating under Texas Child Care Operation License number 1708059.

STATEMENT OF FACTS

2. Mrs. Van Every and Mr. Schwarz, two parents of unrelated children in the infants' class, chose the Learning Junction for their kids because of the promise to be "so much more than babysitting."² The Learning Junction marketed itself as committed to giving parents "peace of mind, by providing quality care."³ For these families, "quality care" was supposed to mean they could trust that their kids were safe. No parent would ever expect that their baby was being forced to get high on second-hand marijuana fumes while at daycare.

3. What came to light on November 19, 2024, was a series of failures by the Learning Junction, it's Director Ms. Latasha "Tasha" York, and it's Owner Ms. Tanya Stalder, sister of Ms. York the Director. These systemic failures allowed the Learning Junction's caregiver, Ms. Vanessa Marie Garcia, to regularly get high in the classroom with her Delta-9 THC Vape Pen *while caring for several infants – often smoking the drugs just inches away from their faces.*

4. In the months leading up to November 19, 2024, Mrs. Van Every and Mr. Schwarz would occasionally notice that their daughter's eyes looked a bit irritated, red, and puffy at pick-up. Both A.F. and R.S. were having recurring upper respiratory issues like colds and congestion far more often than they should. But as any normal parent would, they figured their baby was adjusting to a new environment where they are being exposed to new germs or possibly developing allergies to something. They never imagined that the cause of these recurring issues was because of repeated exposure to marijuana forced upon them by the Learning Junction.

² The Learning Junction Website <https://www.learningjunctionearlyeducation.com/> (last visited September 30, 2025).

³ *Id.*

5. A.F. and R.S. were both infants – *they couldn't speak up for themselves*. Unable to escape the exposure, A.F. and R.S. were forced to inhale the fumes of the Delta-9 THC Vape Pen every time the Learning Junction caregiver smoked it in the classroom.

6. The simple truth is – there is no excuse for what happened to A.F. and R.S – two babies that suffered serious physical, mental, and psychological damages as a direct result of the failures, actions, and omissions of the Learning Junction.

THE TIMELINE OF HOW THE FAILURES CAME TO LIGHT

Tuesday, November 19, 2024

7. At approximately 5:15pm, A.F. was picked up from daycare. At the time, A.F. seemed a little unsteady, but in those first brief moments at pick-up her father figured it was just because she was tired from her day as she often was. After arriving home, A.F.'s parents started to notice A.F. acting increasingly lethargic. When Mrs. Van Every tried to breastfeed, A.F. would not latch like normal. A.F. started looking "out-of-it," like a "bobblehead," and out of control of her body movement. Looking for an explanation, Mrs. Van Every reached out to Ms. York, the Learning Junction's Director, and sent her photos of A.F., asking if A.F. seemed sleepy or "off" while at daycare that day. The photo of A.F. showed her eyes bloodshot and red, her eye lids and face puffy and swollen, and her pupils dilated.

8. Concerned, Mrs. Van Every took A.F. to the emergency room, where she **tested positive for "Carboxy-Delta-9-THC (tetrahydrocannabinol),"** the main metabolite of the psychoactive compound "Delta-9-THC," formed in the body after cannabis is consumed.

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The Liquid Chromatography with Tandem Mass Spectrometry (LC/MS/MS) testing of **A.F.'s** urine drug screen from 11/19/24 confirmed that her urine contained Carboxy-Delta-9-THC (tetrahydrocannabinol) at a level of **264.2 ng/ml of urine.** The **minimum cutoff level for a positive test is 2.0 ng/ml** and **A.F.'s** sample was well above that threshold and confirms she was exposed to a cannabis containing product.

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A.F.'s test results reflected a dangerous amount of the drug – **132 times the minimum needed to produce a positive test result.** A.F. had suffered from cannabis intoxication.

9. Following receipt of A.F.'s positive drug test, Mrs. Van Every texted Learning Junction's Director to let her know that A.F. had tested positive for marijuana.

10. The rest of the night and following days were nothing short of a nightmare for Mrs. Van Every and the family. Nine-month-old A.F. was lethargic, spaced out, and pale. The level of THC in her system caused deep concern for respiratory arrest. A chest x-ray of A.F. found positive signs of early bronchial inflammation. Both Mrs. Van Every and her husband were subjected to questioning by the treating medical team and Child Protective Services to ensure that A.F. had not been exposed to the dangerous drug at home. Voluntarily and on their own accord, Mrs. Van Every and her husband submitted to a drug test to ensure their names were cleared – **both tested negative** – leaving just one answer ... A.F. had been exposed to the drugs while at the Learning Junction.

Wednesday, November 20, 2024

11. Rather than immediately review the Ring camera footage of the classroom the next morning, Ms. York, the Learning Junction's Director, took the information to Ms. Garcia, the infant caregiver. Video footage that was later secured by law enforcement, showed the Learning

Junction Director asking the caregiver if she smokes marijuana, revealing that A.F. had tested positive for marijuana while at the hospital, and showing her the photos of A.F. that she had received from Mrs. Van Every the night before. The Learning Junction's caregiver admitted to the Director that she *does* smoke a THC Vape Pen but denied having brought it to the daycare – a claim that was found to be untrue based on the Ring camera footage.

Friday, November 22, through Sunday, November 24, 2024

12. Over the weekend, Ms. York, the Learning Junction's Director, finally watched the November 19th, 2024, Ring camera footage from the infant classroom.

**THE RING CAMERA VIDEO FOOTAGE FROM TUESDAY, NOVEMBER 19, 2024,
SHOWS THE FOLLOWING:**

- a. The caregiver's personal purse is seen on the floor and accessible to children for hours at a time during the day, in direct violation of Texas' child safety laws regarding accessibility of personal items.
- b. On several occasions, the caregiver is seen leaning down out of view of the camera, with her back turned to the camera, reaching down toward her purse and grabbing something. Although the camera angle cannot see what she is doing, she is heard coughing multiple times following this sequence of actions.
- c. The caregiver is seen moving/adjusting her shirt around when something is then heard hitting the floor. The caregiver is seen bending down, picking the fallen item up, and putting the item into her bra.
- d. The caregiver is seen using Lysol spray to spray herself and the air around her on several occasions as if to mask an odor. On one occasion, Ms. York, the Learning Junction's Director, opens the door to the classroom and tells the caregiver that there is a lady from the childcare licensing department in the building. Less than three minutes before the childcare licensing representative drops by the room for her brief visual observation, the caregiver gets up and sprays herself and the area around her.
- e. Throughout the morning, the caregiver is seen and heard coughing repeatedly.
- f. On a few occasions, the caregiver is seen laying on her back on the floor with children, including A.F., placing them on her stomach and chest, bouncing up and down, often just inches away from their face.

- g. The caregiver is seen yanking the arm of a child walking by her, lifting the child up by one arm, and moving the dangling child to the other side of the classroom to place them in a bouncer. The child cried quite a bit to which the caregiver can be heard telling him to "stop, you're okay," over and over.
 - h. The caregiver is seen on her cell phone while in charge of the class, including while a child on a changing mat waiting for their diaper to be changed, in direct violation of the safety rules in the minimum standards for childcare.
 - i. The caregiver is seen using a utensil to prepare food, then using the same utensil to try the food herself and then placing that utensil back into the food to finish preparing it.
 - j. The caregiver is seen picking up a plate, eating the food off the plate with a utensil, then walking over to A.F. and scraping the food on A.F.'s plate with the same utensil.
 - k. The caregiver is seen exiting the classroom on several occasions, leaving the children alone, without supervision.
 - l. The caregiver is seen picking up a changing mat while a little boy is on it and then dropping it to the ground causing a loud thud. The little boy can be heard crying after the loud thud of the mat hitting the ground.
 - m. In the late afternoon, A.F. is seen crawling on the floor and picking a small unknown item up off the floor and putting it into her mouth. Due to the camera footage quality, whatever A.F. picked up and put in her mouth remains unknown.
 - n. The caregiver places the infants into devices like bouncers and then leaves them there to sleep, in direct violation of the safety rules in the minimum standards for childcare.
 - o. Throughout the day, the caregiver never stops to wash the hands of any of the children, fails to wash her own hands between diaper changing or before preparing meals, and fails to disinfect the diaper mat in between each use.
13. After watching the footage, the Learning Junction chose *not* to fire the caregiver, allowing her to work the following week.

Tuesday, November 26, 2024

14. Law enforcement and the state investigator from the Department of Family and Protective Services (DFPS) visit the Learning Junction to conduct an initial interview of the staff and attempt to retrieve the Ring camera footage. It is at this time that Ms. York, the Learning Junction's Director, explains to state investigators that she *has* seen the video footage of November 19, 2024.

15. When asked about what she saw on the Ring camera footage, the Director claimed that only thing she saw was Ms. Garcia inappropriately grabbing children by the arm – conduct she admitted she did not document. No write-up, no disciplinary action, and no report of abuse made to the state. Despite having seen the shocking footage from November 19, 2024, Ms. York tells the investigators that she has no concerns regarding any of the Learning Junction employees – no concerns about discipline, supervision, or handling of the kids.

16. During this November 26, 2024, visit to the daycare, the Learning Junction's caregiver, Ms. Garcia, continued to deny all accusations, claiming she did not have the THC Vape Pen on her on November 19th and that she did not smoke the THC Vape Pen in the classroom – claims that later were later proven to be untrue.

17. When questioned about her personal belongings, Ms. Garcia explained that she normally placed her purse on the floor, revealing that she had *never* been told by anyone at the Learning Junction that doing so was against the Texas laws on child safety for daycares. She acknowledged that her purse was accessible to children and that she did see A.F. around her purse on November 19th, before nap time.

18. Law enforcement and the state investigator from DFPS requested copies of the November 19th Ring camera footage from the infant room, but the Learning Junction Director did not provide it, claiming she needed to consult with Ms. Stalder, her sister and the Owner of the Learning Junction before turning the footage over. Ms. Stalder just so happened to be on a vacation at the time, so investigators did not receive the footage until days later, on December 3, 2024.

19. When Mr. Schwarz arrived to pick up R.S. on November 26, 2024, it was the first time he learned of any issue relating to his daughter's class and the Learning Junction caregiver. The Learning Junction Director tells Mr. Schwarz that Ms. Garcia was being moved to another classroom and a child in the class had tested positive for marijuana, implying that the child gained access to marijuana at home and claiming Ms. Garcia was just being moved as a "precaution."

20. Mr. Schwarz did not learn the truth of what happened until speaking with the investigator on December 6, 2024. Disappointed, angry, frustrated, and confused on how this was allowed to happen, Mr. Schwarz immediately withdrew R.S. from enrollment at the Learning Junction.

Friday, December 6, 2024

21. After finally receiving the Ring camera footage from the Learning Junction, law enforcement and the DFPS investigator returned to the daycare to conduct follow-up interviews. To everyone's surprise, Ms. Garcia was still employed – she had just been shuffled to the 3-year-old's classroom.

22. During the December 6, 2024, interview with law enforcement and the DFPS investigator, Ms. Garcia, the Learning Junction's caregiver admits:

- a. She had the THC Vape Pen in the Learning Junction classroom on November 19, 2024 – she stored it in her purse and her bra throughout the day.
- b. She smoked the THC Vape Pen *several times* while in the classroom, caring for children – removing it from her purse or bra when she wanted to smoke it.
- c. She dropped the THC Vape Pen to the floor of the classroom several times.
- d. She used Lysol to mask the smell of the THC Vape Pen in the classroom.
- e. On *average*, she would bring the THC Vape Pen *with* her to the Learning Junction *two to three days a week*.

23. During this interview, the Learning Junction caregiver took the THC Vape Pen in question out of her bra and handed it over to the police. Knowing that she could not escape what the footage revealed, the Learning Junction's caregiver left the interview and told the Director she would not be returning to work.

24. The Learning Junction chose not to be transparent with parents. Ms. York, the Director, did not notify the parents of other kids in the class about what the Ring camera footage showed – rather, parents learned what happened *weeks* later, through the DFPS investigation. Unfortunately, by the time parents learned that their child was exposed to dangerous drugs while at the Learning Junction, the chance to confirm exposure via urinalysis testing was lost.

25. The effects of repeated THC exposure on infants are significant. The drugs and chemicals in a THC Vape Pen can affect brain development and result in poor cognitive function and other long-term consequences. Vape pens can cause lung injury and cardiovascular disease. Infants exposed to THC smoke and vape smoke commonly experience upper respiratory issues,

including an increase in congestion that can cause various infections. If the child has a history of asthma, there is an additional risk of lung irritation leading to an increased risk of asthma attacks.

26. For months leading up to November 19, 2024, A.F. and R.S. had experienced symptoms of exposure to THC and vape smoke. Completely unaware of the true cause, their parents repeatedly took them to their pediatrician for treatment.

27. A.F. started at the Learning Junction in June of 2024. R.S. started at the Learning Junction in July of 2024. From the time of their enrollment through December of 2024, both A.F. and R.S. were treated numerous times for the upper respiratory issues, coughing, congestion, runny nose, and serious ear infections, such as otitis media. Otitis media is a severe middle ear infection that is often a result of upper respiratory illness. Both A.F. and R.S. were treated for otitis media multiple times with several rounds of failed antibiotics. R.S. often came home with red, puffy, swollen eyes and face.

28. Unbeknownst to their parents, A.F.'s and R.S.'s symptoms were not the result of allergies or adjusting to a new environment – they were the result of continuous and inescapable exposure to dangerous drugs being used in their classroom.

THE LEARNING JUNCTION FAILED TO FOLLOW THE CHILD SAFETY LAWS

29. The Learning Junction is required to follow the minimum guidelines set forth by the State of Texas. These minimum standard guidelines carry the force of the law. DFPS conducted an independent investigation and concluded the Learning Junction had **violated numerous childcare safety laws and regulations** in relation to the events of November 19, 2024:

- **746.3703(d) – No Smoking or Use of Tobacco Including E-Cigarettes or Vaporizers:** The Learning Junction caregiver admitted to smoking a THC Vape Pen in the infant classroom multiple times over multiple days, resulting in an infant testing positive for cannabis.
- **746.3703(c) – Not Under the Influence of Alcohol or Controlled Substance:** It was found that the Learning Junction caregiver was under the influence of THC while caring for infants. The caregiver did not have a prescription for the controlled substance.
- **746.1201(4) – Failing to Ensure That No Child is Abused, Neglected, or Exploited:** There was sufficient evidence to support that the Learning Junction caregiver abused and neglected all the infant children in care.
- **746.201(2) – Written Personnel Policies:** The Learning Junction caregiver failed to follow the operations smoke-free and drug-free section of the personnel policies.
- **746.2805(1) – Using a Prohibited Punishment Method, Corporal Punishment:** There was sufficient evidence to support that the Learning Junction caregiver was roughly moving infants when they placed them in a highchair and when they removed them from bouncer seats or exersaucers.
- **746.1201(1) – Failing to Demonstrate Competency, Good Judgment, and Self-control:** There was sufficient evidence to support that the Learning Junction caregiver dropped an empty bouncer seat on the ground next to two infants. The bouncer seat did not hit the infants, however it exhibited bad judgment when attempting to move it this way.
- **746.1201(1) – Failing to Demonstrate Competency, Good Judgment, and Self-control:** There was sufficient evidence to support that the Learning Junction caregiver did not demonstrate good judgment when the caregiver sprayed Lysol in close proximity of infants.
- **746.1201(1) – Failing to Demonstrate Competency, Good Judgment, and Self-control:** There was sufficient evidence to support that the Learning Junction caregiver did not use good judgment when they used their sleeve to wipe an infant's nose twice and failed to wash their hands after doing so.
- **746.305(a)(6) – Failing to Report a Situation Placing Children at Risk:** There was sufficient evidence to support that the Learning Junction failed to make the required report that its caregiver was using prohibited discipline and guidance on infants after the Director observed video of the classroom.
- **746.1003(4) – Director Responsibilities, Ensure Employees Are Supervised:** There was sufficient evidence to support that the Learning Junction Director, Ms. Latasha “Tasha” York, was not appropriately supervising caregivers when a caregiver was observed on video walking out of a classroom leaving infants unsupervised multiple times.

- **746.201(7) – Operation Open to Parents at All Times:** There was sufficient evidence to support that parents are only allowed in the doorway of the Learning Junction, they are not allowed in the classrooms.
- **746.3317 – Food Service and Preparation Requirement, Must Be Safe and Sanitary:** Video footage showed a Learning Junction caregiver spraying Lysol around themselves while shaking a feeding bottle for an infant.
- **746.2805(8) – Using Prohibited Punishment Method, Restrictive Device for Time-Out:** Infants are being placed in a restrictive device as a form of discipline.
- **746.307(b)(4) – Parental Communication, Failing to Report a Situation that Placed a Child at Risk:** The Learning Junction did not notify parents within the required 2 days after the incident that placed children at risk of harm.
- **746.2805(3) – Using Prohibited Punishment Method, Grabbing and Pulling:** The Learning Junction caregiver was observed inappropriately grabbing children by their arm when picking them up and moving them around the classroom.
- **746.1203(3)(D) – Prohibited Personal Use of a Cell Phone While Caring for Children:** The Learning Junction caregiver was observed using her cellphone on multiple occasions while caring for the infants in the classroom.
- **746.1205(a)(4) – Improper Supervision of Children:** The Learning Junction caregiver is observed exiting the classroom on multiple occasions in short durations while the infants are eating their food.
- **746.1201(1) – Failing to Demonstrate Competency, Good Judgment, and Self-control:** The Learning Junction caregiver used bad judgment when attempting to move the diaper changing mat while an infant is on it. The caregiver is observed sitting on the floor with the diaper changing mat in front of them, picking the diaper changing mat up while an infant is on it and dropping it. The caregiver exhibited bad judgement when attempting to move it this way.
- **746.2426(a)(1) – Unsafe Sleep Practices – an Infant May Not Sleep in a Restrictive Device:** An infant was observed sleeping in an exerSaucer and an infant was observed sleeping in a bouncer.
- **746.3505(e) – Unsanitary Diaper Changing Practices, Failing to Sanitize Diaper Changing Area:** The Learning Junction caregiver was observed not disinfecting the diaper changing mat between each use.

- **746.3317(1) – Unsafe Food Service and Preparation, Failing to Sanitize Equipment:** The Learning Junction caregiver was observed preparing an infant’s food using a utensil to try the food and then using the same utensil to prepare the food on the plate. The caregiver was observed eating food off a plate and then giving the infant the remainder of the food on the plate while using the same utensil the caregiver ate off.
- **746.3415(1) – Employee Handwashing Before Eating or Handling Food:** The Learning Junction caregiver was not observed washing her own hands before preparing meals.
- **746.3415(4) – Employee Handwashing After Diapering a Child:** The Learning Junction caregiver was observed not washing her own hands between each diaper change.
- **746.3421(b) – Infant Handwashing - Raised to Sink:** The Learning Junction caregiver was observed not washing any of the infant’s hand throughout the day. The caregiver is observed wiping the children’s hands and faces with just wipes.

30. The Learning Junction’s failures were so egregious the state of Texas placed the Learning Junction’s license to operate on probation, stating that the operation’s compliance history for the past two years shows an emerging pattern of deficiencies related to scope, administration, and communication of state’s health and safety practices. The Learning Junction’s probationary period began on April 28, 2025, and will extend through at least April 28, 2026.

THE LEARNING JUNCTION PUT AN UNQUALIFIED, UNFIT, UNTRAINED, AND UNSUPERVISED CAREGIVER IN CHARGE OF INFANTS

31. The Learning Junction is responsible for ensuring its employees are qualified, trained, and supervised. The Learning Junction is required to operate its daycare in compliance with Texas’ child safety laws.

32. Ms. Garcia, the Learning Junction caregiver, was unfit for the job. Ms. Garcia started with the Learning Junction on May 13, 2024, just six months before everything came to light. During the six months of employment, the Learning Junction had received *several* reports of concerns and complaints regarding Ms. Garcia’s ability to properly care for infants. Concerns from parents included things like complaints of miscommunication regarding when basic supplies such as

diapers and wipes were needed, sending kids home with dirty bottles, sending kids home with a number of bottles that didn't match up with the daily feeding report, miscommunicating and failing to document the number of bottles consumed, not feeding the children their bottles, not feeding children at the right times, failing to apply diaper rash cream properly, kids going home with unexplained bumps and bruises, and a general lack of confidence in Ms. Garcia's ability to care for infants. These prior issues and complaints do not come as a surprise – considering THC use is known to cause impairment in the user's mental state, causing them to be tired, forgetful, and unable to perform seemingly mundane tasks. Had the Learning Junction taken action over the course of the six months Ms. Garcia was employed – for example, observed the Ring camera footage on a regular basis, or placed a second caregiver in the room, or performed regular drop-ins of the classroom – A.F., R.S., and their families would not have had to live through this.

33. The Learning Junction does not require its employees to submit to a drug test at the time of hire. Despite the Learning Junction's policies reserving the right to solicit a drug test at random from any of its employees, *none* of the employees working at the Learning Junction at the time of November of 2024 had ever been drug tested by the daycare.

34. The Learning Junction is required to ensure that all its caregivers are trained on – and following – the Texas child safety laws which are set forth in the minimum standards for licensed daycares. Per the child safety laws of Texas, daycares must ensure that personal items belonging to employees are stored in a place inaccessible to children. Employee purses, bags, coats, jackets, and the like cannot be placed on the floor or in any space that children can access and/or reach into. The Learning Junction is required to train all employees on this law and supervise all employees to ensure it is being followed at all times. Yet, during the state's investigation into these incidents, it was discovered that it was common practice for the Learning Junction's

employees to place their purses on the floor or on shelves that were accessible to children. In fact, the employees interviewed all stated that they had never been told to put up their purses or remove them from the floor until after these incidents came to light.

35. Simply put, the Learning Junction failed at making sure its employees were qualified, trained, and supervised to ensure they were following the child safety laws and as a result, kids got hurt.

36. What happened to A.F. and R.S. was preventable. As a direct and proximate result of the failures, actions, and omissions of the Learning Junction, Plaintiffs sustained serious injuries and damages.

DISCOVERY CONTROL PLAN & CLAIM FOR RELIEF

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

38. 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.

PARTIES

39. Plaintiff Haley Van Every is the biological parent of Plaintiff A.F., a minor child, and is a citizen and resident of Williamson County, Texas.

40. Plaintiff Christopher Schwarz is the biological parent of Plaintiff R.S., a minor child, and is a citizen and resident of Williamson County, Texas.

41. Defendant Every Child Learns, LLC d/b/a The Learning Junction Early Education Center (hereinafter referred to as "Defendant" or "The Learning Junction") is a limited liability company doing business in the State of Texas, its state of formation. Defendant is the owner and operator

ORIGINAL PETITION

of a daycare facility located at 204 Evans St., Hutto, TX 78634, operation license number 1708059. Defendant may be served with process by serving its registered agent, Tanya M. Stalder, located at 3405 Arrowhead Circle Round Rock, TX 78681, or wherever they may be found.

JURISDICTION & VENUE

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

43. Venue is proper in Williamson County, Texas, under Texas Civil Practices and Remedies Code Section 15.002(a) because this is the county where all or part of the events or omissions giving rise to the claim occurred.

CAUSES OF ACTION

Count One – Negligence

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

45. 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 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 ensure its employees were qualified and fit to do the job;

- d. Failing to properly train and supervise its employees trusted with the care of minor children, including A.F. and R.S.;
 - e. Failing properly supervise the children in their care;
 - f. Failing to maintain a safe environment for children;
 - g. Failing to secure and guard children from dangerous items;
 - h. Failing to maintain a drug-free environment;
 - i. Failing to ensure that children were not exposed to drugs;
 - j. Failing to ensure its employees demonstrate competency, good judgment, and self-control;
 - k. Failing to intervene when necessary to ensure each child's safety;
 - l. Failing to ensure no child is abused, neglected, or exploited; and
 - m. Failing to adhere to the Texas Minimum Standards for Childcare.
46. Defendant had a duty to exercise ordinary care in caring for and supervising the children in its care so as to prevent injury to Plaintiff A.F. and other children similarly situated.
47. Defendant had a duty to maintain a safe environment for children in its care so as to prevent injury to A.F., and other children similarly situated.
48. Defendant had a duty to hire, train, and supervise caregiver employees to ensure that children in their care were safe to prevent injury to A.F., and other children similarly situated.
49. Defendant breached the duty of care by failing to care for the children; failing to supervise the children; failing to have appropriate visual and/or auditory awareness of each child; failing to properly train, hire, and supervise its employees; and failing to maintain a safe environment for children.

50. 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

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

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

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

54. Defendant's violation of the statutes was the proximate cause of the Incident in question.

55. As a result of the Defendant's acts and/or omissions in violating the statutes, Plaintiffs sustained damages.

Count Three – Gross Negligence

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

57. 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 that term is defined in Texas Civil Practices and Remedies Code §41.001(11).

58. 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.

59. 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

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

61. Defendant was the owner, operator, and/or possessor of the daycare premises located at 204 Evans St., Hutto, TX, 78634, operation license number 1708059, during the time of this incident.

62. At the time of the Incident, A.F. and R.S. were a minor children placed in the care of Defendant and was thus were "invitees" to whom Defendant owed a duty to exercise ordinary care.

63. 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.

64. Defendant owed Plaintiffs a legal duty to ensure safety in maintaining proper care over the children; ensuring that employees are necessarily hired, trained, supervised, and terminated in order to maintain a safe environment for children; and ensuring that serious injuries are recorded and reported. Defendant breached these duties by failing to properly supervise and monitor the children in their care, by allowing to immediately terminate a caregiver that caused serious injury to a child, and by failing to immediately report the incident to emergency medical services and the appropriate state entity of the injuries A.F. sustained.

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

RESPONDEAT SUPERIOR

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

67. 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 this 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.

DAMAGES

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

69. As a direct and proximate cause of Defendant's negligent acts and/or omissions, Plaintiffs 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, sustained in the future;
- c. Mental anguish in the past;
- d. Mental anguish, in reasonable probability, sustained in the future;
- e. Reasonable and necessary medical expenses in the past;
- f. Reasonable and necessary medical expenses, in reasonable probability, sustained in the future;
- g. Loss of wages in the past;
- h. Loss of wages, in reasonable probability, sustained in the future;
- i. Loss of wage-earning capacity in the past;
- j. Loss of wage-earning capacity, in reasonable probability, sustained in the future;
- k. Physical impairment in the past;
- l. Physical impairment, in reasonable probability, sustained in the future;
- m. Loss of the normal enjoyment of the pleasure of life in the past;
- n. Loss of the normal enjoyment of the pleasure of life, in reasonable probability, sustained in the future;
- o. Costs of suit; and

p. All other relief, in law and equity, to which Plaintiffs may be entitled.

70. 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

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

72. 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.

73. 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.

JURY TRIAL

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

U.S. LIFE TABLES

75. 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: December 8, 2025.

Respectfully submitted,

THE BUTTON LAW FIRM

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Russell Button on behalf of Russell Button

Bar No. 24077428

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