

STATEMENT OF FACTS

3. At Kids R Kids, parents are told that safety and quality care for every child is the top priority because "That's the Kids R Kids Way."² Kids R Kids markets its preschool program as a nurturing environment for three-year-olds—one designed to foster growth, safety, and learning.³ They promise a curriculum built on decision-making, problem-solving, character development, and social-emotional growth.⁴ Yet, behind these polished claims lies a stark contradiction. The daycare that vowed to shape healthy, happy and well-adjusted children broke their promises. It was Kids R Kids' job to keep three-year-old E.G. safe, and they failed.

4. In early July 2024, an abuse and neglect investigator from the Texas Department of Family and Protective Services (DFPS) contacted Kylee Wieland after receiving a report regarding concerning treatment of children in the three-year-old classroom at Kids R Kids. What Kylee learned during that first conversation with the state investigator is every parent's worst nightmare.

5. The DFPS investigation discovered that several children, including three-year-old E.G., had been subjected to repeated inappropriate discipline and mistreatment at Kids R Kids — conduct for which the daycare was aware of but deliberately chose not to disclose to parents or report to state licensing authorities as required by law.

6. Review of video footage from June of 2024, revealed a pattern of aggressive and inappropriate physical handling of young children by both Kids R Kids caregivers in the three-

² Kids R Kids of Lawler Farm Website, <https://kidsrkids.com/lawler-farm/> (last visited November 11, 2025).

³ Kids R Kids of Lawler Farm Website, <https://kidsrkids.com/lawler-farm/programs/preschool-childcare-program/> (last visited November 11, 2025).

⁴ *Id.*

year-old classroom. The two Kids R Kids caregivers were caught on video using excessive physical force with multiple children — pulling, yanking, shoving, and striking them. Video footage from June 5, 2024, showed a Kids R Kids caregiver inappropriately yanking three-year-old E.G. by his arm and forcefully shoving him into a chair. DFPS concluded that the use of force observed in the footage from June of 2024, posed a substantial risk of serious physical harm to the children.

7. When interviewed by DFPS investigators, E.G. reported that his teacher had hit him and that he was scared and sad at Kids R Kids. His parent noted significant behavioral changes and had observed unexplained marks, including a dark spot under his eye. Kylee had brought up these concerns to Kids R Kids in the past but was never told the truth about the source of the marks.

8. As the DFPS investigation continued, it was discovered that Kids R Kids was fully aware of the incidents in June and had received reports of rough handling in the past. In fact, Kids R Kids admitted to having seen the video footage, receiving reports of concerns, and even issuing write-up warnings to its employees prior to DFPS getting involved. However, in an effort to preserve appearances and avoid getting into trouble, Kids R Kids chose not to notify parents, and chose not to notify DFPS, despite their mandatory reporting requirement under Texas law.

9. Kids R Kids is responsible for qualifying, hiring, training, and supervising its caregivers on safe and proper care conducive to the welfare of children, including ensuring caregivers are using proper methods of discipline and guidance and maintaining compliance with Texas' childcare safety laws. However, during DFPS interviews with Kids R Kids employees, staff members reported that Kids R Kids discouraged reporting incidents to state licensing and that staff were

selected based on willingness to accept low pay rather than qualifications or temperament. The investigation revealed that the Kids R Kids owner lacked an understanding of licensing requirements and safety laws, rarely visited the facility, and left operational oversight entirely to others despite knowing of existing issues with Kids R Kids employees and the overall risk to child safety these issues created.

10. Kids R Kids' reckless disregard for child safety was made even more obvious after it was discovered that Kids R Kids chose to ignore the DFPS safety plan requirements put in place during the course of the investigation. The safety plan prohibited a Kids R Kids caregiver from caring for children without direct oversight and supervision – she was not allowed to be in charge of kids without another qualified and trained caregiver being the lead in the classroom. However, during a follow-up compliance inspection it was discovered that Kids R Kids had chosen not to follow the safety plan – the Kids R Kids caregiver had been placed in charge of supervising kids and had failed to notice they had gotten into a closet that they should not have been in.

11. These events demonstrate a serious breakdown in Kids R Kids' duty of care. Despite multiple warnings and visible evidence of mistreatment, management and ownership failed to act, protect the children, and inform parents and the state of what had occurred. The pattern of rough handling, denial, and concealment represents a grave violation of trust placed in those responsible for the safety and well-being of the children. No parent should have to fear how a daycare — an institution they pay for and entrust with their children—is treating their child. Had Kids R Kids prioritized the care and safety of the children over profit, these incidents would not have occurred. **Liability is clear.**

12. Kids R Kids negligently operated its facility and endangered the health and well-being of E.G. and others when they failed to provide a safe environment for a children in their care, negligently hired unqualified and untrained employees, failed to supervise its employees, and failed to report situations placing a child at risk of injury or harm to parents and the state, leaving here-year-old E.G. and other innocent children in the hands of incompetent, unqualified, irresponsible, untrained, and unsupervised caregivers.

13. DFPS's independent investigation into the actions and omissions by Kids R Kids, resulted in several citations for the violation of Texas' childcare safety laws and regulations:

- **746.201(9) – Failing to Comply with Laws and Rules**
- **746.1201(4) – Failing to Ensure No Child Abused, Neglected, or Exploited**
- **746.1201(1) – Failing to Demonstrate Competency, Good Judgment, Self-control**
- **746.305(a)(6) – Failing to Report Situations Placing Children at Risk of Harm**
- **746.2805(1) – Using Prohibited Punishment Methods, Corporal Punishment**
- **746.307(a) – Failing to Comply with Parental Communication Requirements Regarding Notification of Allegations of Abuse, Neglect or Exploitation**

15 Despite Kids R Kids only being fully licensed since May 2024 under its current owner, the daycare has been cited by the state of Texas numerous times for failing to ensure that the operation and its caregivers meet the minimum standards, laws, and regulations in place to keep kids safe. A history of citations, inspections, investigations, and deficiencies from the state show the same conduct and failure to act that led to the incident and the injuries sustained by E.G. Kids R Kids has a clear recent history of failing to qualify, train, and supervise employees, failing to follow the minimum standards, and failing to properly care for children.

16 The following is an overview of some of the citations issued by the state of Texas' childcare licensing department:

- May 2025:
 - o Cited three times for staff members failing to complete the required annual training.
 - o Cited for allowing a staff member to be present at the operation with direct contact to children before receiving a cleared background check.
 - o Cited twice for failing to have written operational policies that address required materials.

- November 2024:
 - o Cited for failing to have a Food Allergy Emergency Plan on file for a child with known food allergies.
 - o Cited for failing to keep areas free from hazards.

- August 2024:
 - o Cited for failing to notify parents at the daycare of the deficiency citation received for abuse, neglect and exploitation.

- July 2024:
 - o Cited for on two separate occasions for failing to properly supervise children.
 - o Cited for failing to keep areas free from hazards.

- May 2024:
 - o Cited for failing to provide a parent with an incident report.

- April 2024:
 - o Cited for failing to keep areas free from hazards.
 - o Cited for failing to have a Food Allergy Emergency Plan on file for a child with known food allergies.

17 What happened to E.G. was preventable. As a direct and proximate result of the actions and/or omissions of Kids R Kids, Plaintiffs sustained injuries and damages.

DISCOVERY CONTROL PLAN & CLAIM FOR RELIEF

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

19 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

20 Plaintiff Kylee Wieland is the biological mother of Plaintiff E.G., a minor, and are citizens and residents of Collin County, Texas.

21 Defendant VRISE, Inc. d/b/a Kids R Kids of Lawler Farm (hereinafter referred to as "Defendant") is a corporation doing business in the State of Texas, its state of formation. Defendant operates a daycare facility located at 7040 Independence Parkway, Frisco, Texas 75035, operating under Texas childcare license number 1794736. Defendant may be served with process by serving its registered agent, Vijaykumar Selvaraj Elango, located at 11353 La Salle Rd., Frisco, Texas 75035, or wherever they may be found.

JURISDICTION & VENUE

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

23 Venue is proper in Collin 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

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

25 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 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 maintain a safe environment for children;
- d. Failing to ensure that prohibited discipline methods were not being used against children;
- e. Failing to ensure that proper discipline methods were being used on children;
- f. Failing to properly hire, qualify, train, and supervise its employees trusted with the care of minor Plaintiff E.G.;
- g. Choosing to continue to employ an unqualified, untrained, and unsupervised caregiver;
- h. Failing to ensure employees demonstrate competency, good judgment, and self-control;
- i. Failing to ensure no child is abused, neglected, or exploited; and
- j. Failing to adhere to the Texas Minimum Standards for Childcare.

26 Defendant had a duty to exercise ordinary care in caring for, handling, and disciplining the children in its care so as to prevent injury to minor child E.G. and other children similarly situated.

27 Defendant had a duty to maintain a safe environment for children in its care so as to prevent injury to E.G., and other children similarly situated.

28 Defendant had a duty to hire, train, and supervise employees to ensure that children in their care were safe so as to prevent injury to Plaintiff E.G. and other children similarly situated.

29 Defendant breached the duty of care by failing to properly care for the children; failing to safely and properly discipline children; failing to exercise competency, good judgment, and self-control in disciplining children; failing to properly train, hire, and supervise its employees; and failing to maintain a safe environment for children.

30 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

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

32 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.

33 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.

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

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

Count Three – Gross Negligence

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

37 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).

38 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.

39 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

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

41 Defendant was the owner, operator, and/or possessor of the daycare premises located at 7040 Independence Pkwy, Frisco, TX 75035, operation license number 1794736, during the time of this incident.

42 At the time of the Incident, E.G. was a minor child placed in the care of Defendant and was thus an "invitee" to whom Defendant owed a duty to exercise ordinary care.

43 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.

44 Defendant owed Plaintiffs a legal duty to ensure E.G.'s 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 failing to immediately terminate caregivers who posed a serious risk to the safety and wellbeing of children, and by failing to immediately report incidents to the appropriate state entity and parents for the injuries E.G. sustained.

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

RESPONDEAT SUPERIOR

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

47 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

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

49 As a direct and proximate cause of Defendant's negligent acts and/or omissions, Plaintiff Kylee Wieland, individually, and as next friend and mother of Plaintiff E.G., 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, 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.

50 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

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

52 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.

53 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

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

U.S. LIFE TABLES

55 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: March 5, 2026.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

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Russell Button on behalf of Russell Button

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Envelope ID: 112042267

Filing Code Description: Petition for Injury Damage - Non Motor Vehicle (OCA)

Filing Description:

Status as of 3/5/2026 12:52 PM CST

Case Contacts

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