

HEATHER HARRIS AND RICHARD HARRIS,
INDIVIDUALLY AND AS PARENTS AND NEXT
FRIENDS OF U.H., A MINOR CHILD,

PLAINTIFFS,

VS.

ARKA RISINGER EDUCATORS LLC D/B/A ARKA
MONTESSORI ACADEMY OF RISINGER,

DEFENDANT.

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IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION AND JURY DEMAND

1. On April 27, 2026, Arka Montessori failed to uphold their most basic duty: ***Protect Children in Their Care.***¹ Heather and Richard Harris trusted that their ***4-year-old son*** would be safe at Arka Montessori. Their trust was violated when the safe environment they were promised turned into a ***child fight club***. Arka Montessori's teachers failed to properly supervise the classroom, allowing and encouraging a physical fight between children that ended with an Arka Montessori teacher aggressively handling and inappropriately disciplining 4-year-old U.H. by grabbing, shaking, yanking, pushing, and dragging him before swiping at his leg while holding his arm, causing him to crash down onto the hardwood floor.
2. Heather and Richard Harris bring this lawsuit on their family's behalf asking that Arka Montessori accept responsibility for the serious physical, emotional, mental, and psychological injuries their family has suffered because of the failures of Arka Montessori.

¹ This petition refers to Defendant Arka Risinger Educators LLC D/B/A Arka Montessori Academy of Risinger as "Arka Montessori," a childcare operation located at 5801 W. Risinger Rd, Fort Worth, Texas 76123, operating under license number 1791060.

ARKA MONTESSORI'S BROKEN PROMISES: A DAYCARE THAT IS ANYTHING BUT "SAFE," "SECURE," & "STIMULATING"

3. Every day, many parents across the country must make the difficult decision on whether to place their child in a daycare while they go to work. Parents have the right to expect that daycares will do everything they can to keep their kids safe. Any parent looking at Arka Montessori from the outside would see a nice-looking facility with a curated website filled with promises on quality and safety:

“ At Arka Montessori of Risinger we believe that each child is a unique individual who needs a secure, caring, and stimulating environment in which to grow and mature emotionally, intellectually, physically, and socially. It is our goal to ensure students meet their fullest potential in these areas by providing an environment that is safe, supports risk-taking, and invites a sharing of ideas. ”

“ We are a state-of-the-art childcare/preschool center with an engaging, updated curriculum backed by qualified, experienced, and passionate teachers! With a focus on play and less on screen time, as an early learning institution, we grow the whole child across all developmental domains in a safe and healthy environment. We teach, learn, and celebrate all different social, spiritual, and cultural backgrounds. We want our children to grow up to become caring adults who are curious, empathetic, and resilient. ”²

4. Arka Montessori promises parents a safe, secure, and stimulating environment that comes with qualified, experienced, and passionate teachers. However, behind its well-polished website lies a stark contradiction – Arka Montessori is anything but safe, secure, and stimulating.

5. On April 27th, 2026, Heather Harris, mother of 4-year-old U.H., arrived at Arka Montessori to pick up her son. U.H. was hysterically and uncontrollably crying. Arka Montessori Teacher Chynia Johnson denied having done anything wrong to U.H., instead telling Heather that U.H. and another boy had gotten into a fight, and all she did was separate them. Heather immediately demanded to see the video footage – revealing the truth of what happened.

² Arka Montessori of Risinger Website, <https://arkamontessori.com/risinger/> (last visited August 10, 2026).

**VIDEO FOOTAGE AND STAFF STATEMENTS REVEAL THAT
ARKA MONTESSORI'S TEACHER TURNED THE CLASSROOM
INTO A CHILD FIGHT CLUB**

6. On April 27th, 2026, Arka Montessori Teacher Jacqueline De Luna was in charge of the supervision and care of a classroom of kids, including 4-year-old U.H. who had been placed in the classroom toward the end of the day during pick-up time. Arka Montessori had a practice of combining classrooms and shuffling children around at the end of the day as the morning teachers leave for the day and children are picked up from care. On this day, U.H. had been shuffled into Arka Montessori Teacher Jacqueline De Luna's classroom at approximately 4:30pm after his regular teacher left for the day.

7. Video footage shows Arka Montessori Teacher Jacqueline De Luna speaking with someone at the classroom door, with her back turned to the kids when a young boy walks up to 4-year-old U.H. and hits U.H. in his back. **A physical fight between the two boys ensues just a couple feet away from the turned back of Arka Montessori Teacher Jacqueline De Luna.**

8. When De Luna turns around, the boys have stopped fighting. De Luna is then seen picking up the young boy as 4-year-old U.H. looks up at her. **The young boy that hit U.H. in the back is the son of another Arka Montessori Teacher, Chynia Johnson.**

9. Moments later, Arka Montessori Teacher Chynia Johnson walks into the room to provide coverage for De Luna to use the restroom. Arka Montessori Teacher Chynia Johnson takes her son from De Luna's arms and sets him down. **Video footage then shows the boy pointing at U.H. before rushing at U.H. and pushing U.H. in the chest with both hands.**

10. When U.H. puts his hands up to stop the boy, Arka Montessori Teacher Chynia Johnson lunges forward, grabbing at U.H. with her left hand as he tries to get away. She gets a hold of U.H.'s arm and aggressively grabs and shakes him before shoving him away forcefully.



11. Arka Montessori Teacher Chynia Johnson then stands straight up and is seen saying something to her son before stepping aside for her son to *charge at full speed* toward U.H. This time, U.H. puts out his leg and arms to defend the attack causing the boy to fall to the ground.



12. Video footage then shows Arka Montessori Teacher Chynia Johnson charging at U.H. again. She grabs him by both his arms, shakes him, and screams in his face before turning to her son and picking him up.



13. At this moment, video footage shows Arka Montessori Teacher Jacqueline De Luna returning to the classroom. Video footage then shows Arka Montessori Teacher Chynia Johnson put her son down and reach over to grab U.H. by the arm. She forcefully drags U.H. toward her. U.H. is seen struggling and trying to get away as Johnson grabs *her own son* to drag him closer to U.H. – **Arka Montessori Teacher Chynia Johnson wanted a fight!**



ACCORDING TO ARKA MONTESSORI TEACHER JACQUELINE DE LUNA'S STATEMENT, JOHNSON WAS TELLING HER SON TO KICK U.H. AND TRYING TO FORCE HER SON TO HIT U.H. BEFORE SHE REACHED OUT, GRABBED A HOLD OF U.H., YANKED HIM CLOSER, AND HELD ON AS HE TRIED TO ESCAPE.

14. While still in the tight grasp of Arka Montessori Teacher Chynia Johnson, U.H. struggles to break free kicking his leg up in front of him to keep the other boy from getting closer. Before U.H.'s foot gets back to the ground, Arka Montessori Teacher Chynia Johnson reaches out with her right hand and **swipes at U.H.'s leg, grabbing a hold of his leg and pulling it out from underneath him** – all while still holding onto U.H.'s wrist. The force of the swipe-and-grab causes U.H. to **flail up in the air as both feet come up off the ground, and he is thrown down like a human ragdoll**. U.H. tries his best to break his fall with his free hand, but he comes **slamming down into the hardwood floor**.



All this happens as **Arka Montessori Teacher Jacqueline De Luna looks on and does nothing to intervene.**



15. Arka Montessori treated 4-year-old U.H. like a human ragdoll. He was forced to physically defend himself from both a child *and* an adult 10 times his size. U.H. was left with multiple bruises and scratches on his arms, post-traumatic headaches, and pain to his backside.

16. Photos of bruising left on 4-year-old U.H.'s arm show just how hard he was grabbed by Arka Montessori Teacher Chynia Johnson. While the physical injuries may have healed over time – **the psychological, mental, and emotional injuries still impact U.H. to this day.**



Photo taken right after the incident on April 27th, 2026, showing significant bruising already forming on U.H.'s arm

17. Before his time at Arka Montessori, 4-year-old U.H. was a normal boy. He was a social, outgoing kid. Since the incident, U.H. has become increasingly co-dependent and clingy with his mother. He is often anxious, afraid to be left alone, and is in constant need of positive reassurance. Now, he is easily frustrated which causes emotional outbursts that Heather describes as sudden and intense. U.H. was immediately unenrolled from Arka Montessori – but his transition to a new daycare was extremely difficult. U.H. would often be so afraid of going to daycare that he would freeze up and refuse to go into his classroom, clinging to his parents in the doorway while tears ran down his face. While in daycare, his emotional outbursts were often aggressive and triggered by his fear of the environment – mimicking the behavior he was forced to endure while at Arka Montessori and ultimately leading to him being pulled out of daycare entirely in hopes that would help him cope with his anxiety.

18. One of the saddest aspects of what U.H. is dealing with is the fact that he still remembers what he went through at Arka Montessori. He is able to recount what happened in a way that no child should have to. He remembers being told to fight and watching another kid being told to attack him. He remembers being kicked, grabbed, pulled, yanked, dragged, and flipped up in the air by his teacher. He remembers being screamed at and is often triggered by loud noises and raised voices which overwhelm him and cause him to start crying in fear. What happened at Arka Montessori has changed U.H.'s life forever.

19. The simple truth is, Arka Montessori could have and should have prevented this from happening to 4-year-old U.H. – and *all* the other children in that classroom that had to endure the trauma of watching two classmates be forced to fight each other. Arka Montessori knew its teacher was unfit for the job of caring for children.

20. Arka Montessori ignored multiple warning signs until Heather Harris refused to stop advocating for her child, forcing Arka Montessori to pull and review the video footage, and finally take action.

*** ARKA MONTESSORI *KNEW* THIS TEACHER WAS *
UNFIT TO CARE FOR CHILDREN
& DID NOTHING ABOUT IT**

***Arka Montessori ignored a known history of yelling, aggression,
and failing to follow the childcare safety laws***

21. Based on multiple interviews of Arka Montessori employees conducted by the state during the investigation into what happened on April 27th, 2026 – one thing is clear: Arka Montessori had knowledge of their teacher's regular yelling and aggressive behavior with children but failed to take proper action.

22. The state's investigation **uncovered the following prior complaints and issues** regarding Arka Montessori Teacher Chynia Johnson's ability to properly care for children:

 Two prior incidents involving Arka Montessori Teacher Chynia Johnson **failing to properly supervise children.**

- ❖ **Oct. 2024:** Johnson forgot a child outside on the playground when she failed to do a proper name-to-face check and headcount. The child was found because an Arka Montessori employee went to take the trash out – not because Johnson ever realized she was missing a child from her class. Arka Montessori was issued two citations from the state.
- ❖ **Jul. 2025:** Johnson forgot a child in a classroom when she left with the other children, failing to do a proper name-to-face check and head count. The child was found because an Arka Montessori employee happened to go into the classroom for an unrelated reason – not because Johnson ever realized she was missing a child from her group. Arka Montessori was issued two citations from the state.

 Prior reports of Arka Montessori Teacher Chynia Johnson having a **known reputation for yelling.**

- ❖ Arka Montessori Administrator Joyner Calvin reported that she *"has heard Ms. Chynia **yelling at the children,**"* from her desk in the front office, stating that, *"when the classroom becomes chaotic or students are not listening, Ms. Chynia can become **overwhelmed.**"* According to Calvin this has been, *"**previously addressed with Ms. Chynia,**"* specifically noting that Johnson's yelling at children has been addressed *"**a couple of times,**"* and described Johnson as *"**a little burned out with childcare.**"*
- ❖ Arka Montessori Teacher Jacqueline De Luna reported that she has witnessed **Johnson get frustrated with the children and start yelling at them**, oftentimes yelling at her own son due to his high-energy behavior, and sometimes yelling at other kids to leave her son alone.

 Prior reports of Arka Montessori Teacher Chynia Johnson being **aggressive with the children.**

- ❖ Arka Montessori Teacher Emma Rogers reported that she has **seen Johnson be aggressive with the children** – such as **grabbing children by their upper arms** and **roughly sitting them** in their chair. Rogers described moments where it seemed like Johnson would, *"**snap and start yelling at the children and handling them in an aggressive manner,**"* explaining that she felt like some of the children **were afraid of Johnson.**

23. Despite knowing that Arka Montessori Teacher Chynia Johnson was unfit and unqualified to care for children, Arka Montessori continued to employ her – putting every child in their care at risk of harm. If it were not for Heather Harris' determined advocacy for her son and insistence on the video being reviewed, Arka Montessori would still be risking the safety and wellbeing of the children in their care.

ARKA MONTESSORI VIOLATED CHILD CARE SAFETY LAWS

24. The Texas Health and Human Services Commission Child-Care Licensing Division conducted an independent investigation into the incident involving U.H., citing Arka Montessori for violating multiple childcare safety laws:

- ❖ **746.2803(4)(C) – Cited for the Use of Improper Methods of Discipline** – *Video footage showed Arka Montessori Teacher failing to appropriately intervene and physically yanking, pulling, dragging, and restraining U.H. while instructing her child to physically hit/kick U.H.*
- ❖ **746.2805(3) – Cited for the Use of Prohibited Punishments, Grabbing and Pulling** – *Video footage captured the Arka Montessori Teacher grabbing U.H.'s leg which caused him to fall backward and aggressively grabbing and pulling U.H. by their arms multiple times, an action that resulted in bruising on U.H.'s right upper arm and left lower arm.*
- ❖ **746.2805(5) – Cited for the Use of Prohibited Punishments, Humiliating, Rejecting, Yelling** – *Arka Montessori Teacher yelled at U.H. during an altercation with her own child. Additionally, the Arka Montessori Teacher has a pattern of yelling at children when frustrated.*
- ❖ **746.1201(1) – Cited for Failing to Demonstrate Competency, Good Judgment, and Self-Control - Responsibilities of Employees and Caregivers** – *Arka Montessori Teacher Jacqueline De Luna failed to demonstrate competency and good judgment when she failed to intervene while observing another teacher inappropriately handling U.H. De Luna failed to intervene, simply standing by and watching the situation unfold. It is the responsibility of caregivers to protect the children in their care by intervening and reporting any actions that could cause them potential harm.*

ARKA MONTESSORI HAS A HISTORY OF VIOLATING THE LAW.

25. Arka Montessori received its initial permit to operate as a daycare in Texas on January 30, 2024. Since opening in 2024, Arka Montessori has been cited by the state numerous times for failing to follow childcare safety laws.³

³ Deficiencies issued to Arka Montessori regarding this incident can be found on the state website: <https://childcare.hhs.texas.gov/Public/InspectionAndComplianceHistory?operationId=1469003>

26. In just two and a half years of operation, Arka Montessori has received the following citations for failing to follow the child safety laws of Texas:

- **October 2024:**
 - **746.1205(a)(4) – Cited for improper supervision** when Arka Montessori forgot a child outside.
 - **746.1205(a)(1) – Cited for failing to know children responsible for** when Arka Montessori forgot a child outside.
- **May 2025:**
 - **746.1205(a)(1) – Cited for failing to know children responsible for** when Arka Montessori forgot a child outside.
 - **746.1205(a)(2) – Cited for failing to know the number of children responsible for** when Arka Montessori forgot a child outside.
 - **746.1315(b) – Cited for Arka Montessori staff not having the required CPR training and certification.**
 - **746.1315(a) – Cited for Arka Montessori staff not having the required pediatric first aid training and certification.**
- **June 2025**
 - **746.3905(a) – Cited for failing to ensure children did not come into contact with prohibited animals** when it was discovered children had access and contact with a frog.
 - **746.1003(1) – Cited for the Arka Montessori Director failing to know, understand, and follow her required responsibilities in operating in compliance with Texas law** when she allowed the children to continue to have contact with the frog.
- **July 2025**
 - **746.1205(a)(4) – Cited for failing to properly supervise children** when Arka Montessori left a child behind, alone in a classroom.
 - **746.1205(a)(1) – Cited for failing to know the children responsible for** when Arka Montessori left a child behind, alone in a classroom.
- **August 2025**
 - **746.1205(a)(2) – Cited for failing to know the number of children responsible for** when Arka Montessori left a child behind, alone in a classroom.
 - **746.1205(a)(4) – Cited for failing to properly supervise children** when Arka Montessori left a child behind, alone in a classroom.
- **May 2026**
 - **746.603(a)(4) – Cited for failing to have required immunization records on file.**
 - **746.1309(d) – Cited for Arka Montessori staff failing to have the required training on care of children under 24 months of age.**
 - **746.1315(b)(1) – Cited for Arka Montessori staff failing to have the required CPR training and certification.**
 - **746.5617(a)(5) – Cited for failing to have fire extinguishers inspected by the fire marshal.**

CHILDREN ARE NOT RESPONSIBLE FOR THE FAILURES OF A DAYCARE THAT SHOULD BE KEEPING THEM SAFE

Had Arka Montessori made sure its teachers were qualified and fit to do the job, trained, and supervised – there would have been no child fight club

27. Arka Montessori is responsible for qualifying, hiring, training, and supervising its teachers on safe and proper care conducive to the welfare of children, including ensuring teachers are using proper methods of discipline and guidance and maintaining compliance with Texas' childcare safety laws.

28. Arka Montessori negligently operated its facility and endangered the health and well-being of U.H. and others when they failed to provide a safe environment for children in their care, negligently retained unqualified and untrained employees, failed to supervise its employees, leaving 4-year-old U.H. and other innocent children in the hands of incompetent, unqualified, irresponsible, untrained, and unsupervised teachers. **Liability is clear.**

29. What happened to U.H. was preventable. Parents have the right to expect that their children will not be yelled at, grabbed, yanked, dragged, thrown on the floor, and forced to fight other children while at daycare. Arka Montessori promised safety and security backed by qualified, fit, trained, and supervised teachers – and they failed. U.H. was a normal 4-year-old boy that never should have been subjected to mistreatment by the adults trusted with his care. There is no excuse for this behavior. There is no excuse for forcing children to fight. There is no excuse for sitting back and watching the mistreatment of a child and failing to intervene. As a direct and proximate result of the actions and/or omissions of Arka Montessori, Plaintiffs sustained injuries and damages.

II. DISCOVERY CONTROL PLAN & CLAIM FOR RELIEF

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

31. 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

32. Plaintiffs Heather Harris and Richard Harris, Individually and as Parents and Next Friends of Plaintiff U.H., a minor, and are citizens and residents of Tarrant County, Texas.

33. **Defendant Arka Risinger Educators, LLC D/B/A Arka Montessori Academy of Risinger**, (herein "Arka Montessori"), is a limited liability company doing business in the State of Texas, its state of formation. Defendant operates a daycare under operation license number 1791060, with a physical address location of 5801 W. Risinger Rd., Fort Worth, Texas 76123. Defendant may be served with process by serving its registered agent, **Manidhar Gudavalli**, at **2309 Palmetto Way Southlake, Texas 76092** or wherever they may be found.

IV. JURISDICTION & VENUE

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

35. Venue is proper in Tarrant County, Texas, under Texas Civil Practices and Remedies Code Section 15.002(a) because it is the county wherein a substantial part of the events occurred and this is the county where Defendant's principal place of business is located.

V. CAUSES OF ACTION AGAINST DEFENDANT

Count One – Negligence

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

37. 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 U.H. 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 maintain a safe environment for children;
- d. Failing to intervene to prevent injury to children;
- e. Failing to ensure that prohibited discipline methods were not being used against children;
- f. Failing to employ caregivers who demonstrate competency and good judgment;
- g. Failing to properly hire, qualify, train, and supervise its employee-caregivers and staff trusted with the care of minor Plaintiff U.H.;
- h. Choosing to employ staff who do not know or adhere to the Texas Minimum Standards for Child Care.
- i. Choosing to continue to employ an unqualified, untrained, and unsupervised caregiver;

j. Failing to ensure no child is abused, neglected, or exploited; and

k. Failing to ensure the daycare was operating in compliance with the Texas Minimum Standards for Child Care; and

38. 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 U.H. and other children similarly situated.

39. Defendant had a duty to maintain a safe environment for children in its care to prevent injury to U.H., and other children similarly situated.

40. Defendant had a duty to hire, train, and supervise employees to intervene in situations that could cause harm to a child, so as to prevent injury to U.H., and other children similarly situated.

41. 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 U.H. and other children similarly situated.

42. 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; 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; and failing to maintain a safe environment for children.

43. 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

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

45. 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.

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

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

Count Three – Gross Negligence

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

49. 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).

50. 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.

51. 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

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

53. Defendant is the owner, operator, and/or possessor of the daycare premises located at 5801 W Risinger Rd, Fort Worth, TX 76123, operation license number 1791060.

54. At the time of the incident, U.H. was a minor placed in the care of Defendant and was thus an "invitee" to whom Defendant owed a duty to exercise ordinary care.

55. 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.

56. Defendant owed Plaintiffs a legal duty to ensure U.H.'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.

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

VI. RESONDEAT SUPERIOR

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

59. The negligence and carelessness 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 employee's negligence under the doctrine of *respondeat superior*.

VII. DAMAGES

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

61. As a direct and proximate cause of Defendant's negligent acts and/or omissions, Plaintiffs Heather and Richard Harris, Individually and as Parents and Next Friends of Plaintiff U.H., 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. Disfigurement in the past;
- d. Disfigurement, in reasonable probability, sustained in the future;
- e. Mental anguish in the past;
- f. Mental anguish, in reasonable probability, sustained in the future;
- g. Reasonable and necessary medical expenses in the past;
- h. Reasonable and necessary medical expenses, in reasonable probability, sustained in the future;
- i. Loss of wages in the past;
- j. Loss of wages, in reasonable probability, sustained in the future;
- k. Loss of wage-earning capacity in the past;
- l. Loss of wage-earning capacity, in reasonable probability, sustained in the future;
- m. Physical impairment in the past;
- n. Physical impairment, in reasonable probability, sustained in the future;
- o. Loss of normal enjoyment of the pleasure of life in the past;
- p. Loss of the normal enjoyment of the pleasure of life, in reasonable probability, sustained in the future;
- q. Costs of suit; and
- r. All other relief, in law and equity, to which Plaintiffs may be entitled.

62. 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

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

64. 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.

65. 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

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

IX. U.S. LIFE TABLES

67. 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 4, 2026.

Respectfully submitted,

THE BUTTON LAW FIRM

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