

CAUSE NO. 2020-39460

ROBB KING, ET AL.

Plaintiffs

VS.

WATSON VALVE, SERVICES, INC.,
ET AL.

Defendants

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

11TH JUDICIAL DISTRICT

PLAINTIFFS' SECOND AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, ROBB KING, ABUNDIA AGUIRRE, INDIVIDUALLY AND AS NEXT FRIEND OF ABEL AGUIRRE AND AURELIO AGUIRRE, MINORS, ADA MONTOYA TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF VICTORIA MACIEL AKA VICTORA MACIEL MONTOYA-TORRES, MINOR, ADRIAN AGUIRRE-HERNANDEZ, ADRIAN TRUJILLO, ALBA JUDITH IBARRA, ALBA MONTESINO, ALBERTO O'CONNOR, ALEJANDRO TOWNS, ALEXANDER LUNA, INDIVIDUALLY AND AS NEXT FRIEND OF TATIANNA LUNA, MINOR, ALEXIS PARRA, ALFONSO SANTANA, ALICIA DETAMORE, ALICIA SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF JESSE DIAZ, ELIZABETH DIAZ, ANGIE SANCHEZ, SANTOS RIVAS AND ANGEL RIVAS, MINORS, ALVARO ARREOLA, INDIVIDUALLY AND AS NEXT FRIEND OF ALVARO ARRIAGA, MINOR, AMELIA DIOSDADO, INDIVIDUALLY AND AS NEXT FRIEND OF JESUS ANGEL SANCHEZ, MINOR, ANA ARACELY VILLATORO, ANA ORELLANA, ANDRE CRUZ NAVA, ANDRES ALBERTO URIOSTEGUI, ANDRES URIOSTEGUI AND MARIA URIOSTEGUI, INDIVIDUALLY AND AS NEXT FRIENDS OF JAZMIN URIOSTEGUI, MINOR, ANGELA MCIVER, ANGELA PRUDENCIO, ANGELICA

DIAZ-SANCHEZ, REBA ANN RAWLINSON AKA ANN RAWLINSIN AKA ANN RAWLINSON, ANNIEVA STOKAN, ANTONIO HECTOR LEAL, JR, ARTURO ZAMORA, ASHLEY FOSTER, AURORA COBOS, AUSTIN LASPRILLA, COURTYARD WESTWAY HOMEOWNERS ASSOCIATION, INC., AZUCENA SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF SAID AYALA, JERED AYALA AND YARETZY AYALA, MINORS, AZUL MARINA PORRES, BARBARA ROGERS, BEATRIZ SALAZAR, INDIVIDUALLY AND AS NEXT FRIEND OF JOSE A GARZA, MINOR, BELKIS RIVERA, INDIVIDUALLY AND AS NEXT FRIEND OF BRITNEY JIRON AND JUAN C. MARTINEZ, MINORS, BENITO AMBRIZ, INDIVIDUALLY AND AS NEXT FRIEND OF LIZBETH AMBRIZ, BENITO AMBRIZ, JR. AND ALEJANDRO AMBRIZ, MINORS, BENJAMIN KING, BERNITA SIMON, BERTA ROMERO, BERTHA ALICIA SALVADOR, BESSY SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF EMILIO GIRON, AISLINN GIRON AND KATHERIN GIRON, MINORS, BETTY BAILEY, BIANKA CERVANTES-VAZQUEZ, BLANCA E. GUEVARA, BLANCA RAMOS, BLANCA SILVA, INDIVIDUALLY AND AS NEXT FRIEND OF JESUS SILVA AND ADRIANA SILVA, MINORS, BLANCA SOLORZANO, INDIVIDUALLY AND AS NEXT FRIEND OF BRENNAM SOLORZANO AND KERWIN SOLORZANO, MINORS, BOB YEUNG, BRENDA PHAM, INDIVIDUALLY AND DBA MOMENTO TATTOO STUDIO, BRIGIDA CARBAJAL TAPIA LOPEZ, BRISA ZUNO, CALEB OLIVER, CANDELARIO ORTIZ, CANDIDA VASQUEZ, CARLOS ARTEAGA, CARLOS GONZALEZ, CARLOS HERNANDEZ, CARLOS ALEXANDER LAZO, CAROLINA BELTRAN, INDIVIDUALLY AND OBO MONTENEGRO ENTERPRISES LLC DBA NEWTHINGS HOME FURNITURE, CASEY WOLFRAM, INDIVIDUALLY AND AS NEXT FRIEND OF LANDON WOLFRAM, CLAY WOLFRAM

AND JACKSON WOLFRAM, MINORS, CECILIA ARREOLA, CELEA MURCIA, CELIA BALLESTEROS, CESAR CERVANTES, INDIVIDUALLY AND AS NEXT FRIEND OF SANTIAGO CERVANTES, MINOR, CHRIS MANZKE, CHRISTIAN BALLESTEROS, INDIVIDUALLY AND AS NEXT FRIEND OF ZOE BALLESTEROS, MINOR, CHRISTIAN FUENTES, CHRISTIE HULTS, DAWNA CHRISTINA HAND AKA CHRISTINA HAND, CHRISTINA PHAM, CHRISTINE CHUMA, CINDY HERNANDEZ, CLABURNE LONG, CLAUDIA ARROYO, CLAUDIA OROZCO, INDIVIDUALLY AND AS NEXT FRIEND OF NATALIE PULIDO, MINOR, COLEMAN PEAY, COLLEEN PRICE, CONSTANTINO SOSA, INDIVIDUALLY AND AS NEXT FRIEND OF IVANIA NOEMI HERRERA ORDONEZ AND AARON JACIEL NAJAR HERRERA, MINORS, CORY BUZNEGO, CRISOFORO TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF CHRIS TORRES, ABIGAIL TORRES, ISRAEL TORRES AND ESTHER TORRES, MINORS, CHRISTINE JOLINK INCORRECTLY NAMED CRISTINE JOLINK, INDIVIDUALLY AND AS NEXT FRIEND OF MILES JOLINK, MASON JOLINK AND MOLLY JOLINK, MINORS, CRISTIAN ZUNO, CYNTHIA ISOME, CYNTHIA SEGOVIA, DALLANDYSHE TUSHE, DANIEL ALCALA, DANIEL ALCALA, SR, DANIEL MARTINEZ, INDIVIDUALLY AND AS NEXT FRIEND OF JUAN D. MARTINEZ, MINOR, DARLEEN B. SCROGGIN, DARRELL LINDSEY, DARRELL SMITH, DAVID DIOSDADO, DAVID STOJAN, DEAN ENRIGHT, DEAN PIERCE, DEBORA MCLAUGHLIN, INDIVIDUALLY AND AS NEXT FRIEND OF KNILES L. MITCHELL, JR. AND KNOAH M. MITCHELL, MINORS, DEION HENDERSON, DELMY SALGADO, DEVIN YOUNG, DIANA DIAZ, DIANA ZEPEDA, DINORAH GONZALEZ, DOLORES BOADO, INDIVIDUALLY AND AS NEXT FRIEND OF ALICIA GUADALUPE BOADO, MINOR, DORA TURRUBIATES, DORA VALDEZ, DORIS RICHARDSON, DULCE IVONE

SANCHEZ, DULCE RODRIGUEZ, DULCE ZUNO, INDIVIDUALLY AND AS NEXT FRIEND OF CAMILA OCHOA, MOISES OCHOA AND LUNA OCHOA, MINORS, DUNG HUNG PHAM, DYSHEBA FORD, EDUARDO FLORES, INDIVIDUALLY AND AS NEXT FRIEND OF NOAH MEYZEN, MINOR, EDUARDO GALLEGOS, EDWARD RODRIGUEZ, EDWARD SNYDER, EDWIN A. MONTESINO, INDIVIDUALLY AND AS NEXT FRIEND OF EDWIN H. MONTESINO AND ALEXANDER MONTESINO, MINORS, EDWIN ALVAREZ, EFRAIN MORALES, ELIDA GUERRERO, ELIVIA ORTIZ, ELIZABETH DUBUQUE, ELVIRA LUNA, ELWOOD LESTER NELSON AKA ELWOOD WHITFIELD NELSON, ELYSE KING, EMMANUEL QUIROZ, INDIVIDUALLY AND AS NEXT FRIEND OF EMMANUEL QUIROZ, JR. AND JOHANN QUIROZ, MINORS, ERIC INFANTE, ERICA BRAVO, INDIVIDUALLY AND AS NEXT FRIEND OF ERIK BRAVO AND RUBY BRAVO, MINORS, ERICK BADILLO, ESMERALDA GUZMAN, ESPERANZA CIFUENTES, ESPERANZA WEBBER, ESTHER RUIZ, EVELIN IBARRA, INDIVIDUALLY AND AS NEXT FRIEND OF JESUS IBARRA, JR., MINOR, EVER BAUTISTA, INDIVIDUALLY AND DBA B&J TEXAS LONE STAR, FABIAN MONTENEGRO, INDIVIDUALLY AND OBO MONTENEGRO ENTERPRISES LLC DBA NEWTHINGS HOME FURNITURE, FABIOLA REGALADO, FAUSTINO QUIROZ, FAUSTINO ROMAN, INDIVIDUALLY AND AS NEXT FRIEND OF BRIANA ROMAN, MINOR, FERNANDO CASTRO-CHAVEZ, FERNANDO ORDONEZ, FLOWER GARCIA, FRANCINE GRANT, FRANCISCO COBOS, FRANCISCO LOZANO, INDIVIDUALLY AND AS NEXT FRIEND OF ANA LOZANO AND XIMENA LOZANO, MINORS, FRANCO AGUIRRE, FRANK WAYNE ROGERS, FRANKY ESTRADA, GABRIEL OLIVER, GABRIELA GUTIERREZ, INDIVIDUALLY AND AS NEXT FRIEND OF ALEXA RUIZ AND ANGELIQUE RUIZ, MINORS, GABRIELA MARTINEZ,

INDIVIDUALLY AND AS NEXT FRIEND OF DAMIAN MARTINEZ AND DALILAH MARTINEZ INCORRECTLY NAMED DALILAN MARTINEZ, MINORS, GABRIELA ZUNIGA, INDIVIDUALLY AND AS NEXT FRIEND OF EMMELYN ZUNIGA, JAZMIN ZUNIGA AND GAEL ZUNIGA, MINORS, GARY TODD, INDIVIDUALLY AND AS NEXT FRIEND OF YAZMINA TODD, MINOR, GEORGE ALVARADO, GILBERT ORELLANA, INDIVIDUALLY AND AS NEXT FRIEND OF MIA ORELLANA, ALEXANDER ORELLANA AND LEO ORELLANA, MINORS, GINA IIAMS, GLADYS ZELAYA DE SANCHEZ, GLENDA LEE, GLORIA BETANCOURT, INDIVIDUALLY AND AS NEXT FRIEND OF MARITZA LEON, MINOR, GLORIA SOLORZANO, GONZALO FISHER LOPEZ, GREG PRIOR, GREGORY SANDERS INCORRECTLY NAMED GREG SANDERS, GREYSI YOELY RIVERA AYALA, GUADALUPE BANDERA, GUADALUPE GARCIA CASTRO, INDIVIDUALLY AND AS NEXT FRIEND OF KELLY M. ARIAS, MINOR, GUADALUPE SANCHEZ CONTRERAS, GUILLERMINA DIOSDADO, GUILLERMO DURAN, GUSTAVO BARAJAS, GUSTAVO VASQUEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ANTHONY VASQUEZ AND ADAM VASQUEZ, MINORS, HANH NGUYEN, HAO ANH NGUYEN, HECTOR A CERVANTES, INDIVIDUALLY AND AS NEXT FRIEND OF HECTOR S. CERVANTES, MINOR, HECTOR RUIZ, ENRIQUETA GARCIA AKA ERIQUETA GARCIA, INDIVIDUALLY AND AS REPRESENTATIVE OF HERBERTO CARDENAS ALMENDAREZ, DECEASED, HIEN THANH TRUONG, HILDA LIMAS, INDIVIDUALLY AND AS NEXT FRIEND OF SAMUEL LIMAS AND LIZZET LIMAS, MINORS, ROMERO REGALADO, JR, HORACIO RODRIGUEZ, HORTENCIA MONTES, HUEY LONG, I. J. CHANG, ILIANA OLMOS, INES VAZQUEZ-LOPEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ALLISON FUENTES AND CHRISTIAN FUENTES, MINORS,

IRVIN GUEVARA, ISAMAR BALLESTEROS, ISIDORO FUENTES, ISUF TUSHE, J. CARMEN BOTELLO, JACQUELYN ST. JULES, JACQUIE VON HOHN, JAMES BAILEY, SR., JAMESHIA MITCHELL, INDIVIDUALLY AND AS NEXT FRIEND OF KYLE HENDERSON, JANELLE HENDERSON AND KYRA HENDERSON, MINORS, JANET MARIE PRIOR, INDIVIDUALLY AND AS NEXT FRIEND OF JAYDYN PRIOR, MINOR, JEAN RICE, JEANETTE MCDANIEL, JEFFREY CREEL, JENEVA SMITH, INDIVIDUALLY AND AS NEXT FRIEND OF KAYLA SMITH AND DE'ARION BROOKS, MINORS, JENNI DE GUZMAN, INDIVIDUALLY AND AS NEXT FRIEND OF PAMELA A RAMIREZ, MINOR, JENNIFER ESQUEDA, INDIVIDUALLY AND AS NEXT FRIEND OF EDGAR ESQUEDA, JR., MINOR, JEREMIAH OLIVER, JERMAINE AUSTIN, INDIVIDUALLY AND AS NEXT FRIEND OF BRYCE AUSTIN, BRAYTON AUSTIN AND CHASETON AUSTIN, MINORS, JESSEE RUIZ, JESSICA SOLIS, INDIVIDUALLY AND AS NEXT FRIEND OF JOSE R. SOLIS, JR, MINOR, JESUS GONZALEZ, JESUS GUERRERO RODRIGUEZ, JESUS IBARRA, JESUS SANCHEZ MORAN, JIM CHAN, JIMENA ESCUDERO, JIMMY NGUYEN, JIN CHAN NA, JOAQUIN ALVAREZ, JONATHAN BERRONES, INDIVIDUALLY AND AS NEXT FRIEND OF ISABELLA BERRONES AND MIA GRACE BERRONES, MINORS, JORGE CHACON, INDIVIDUALLY AND AS NEXT FRIEND OF KENDRA GALVAN INCORRECTLY NAMED KENDRA GALVA, MINOR, JORGE LUIS GARZA, JORGE LUIS GARZA REYES, JOSE ALBERTO GARZA REYES, JOSE BANDERA, JOSE DAMIAN MEDELLIN, JOSE ELOY ORTEGA, INDIVIDUALLY AND AS NEXT FRIEND OF CINDY ORTEGA AND ERIC ORTEGA, MINORS, JOSE GIRON, JOSE LUIS TORRES, JOSE MONTALVAN, INDIVIDUALLY AND AS NEXT FRIEND OF JOSE MONTALVAN, ASHLEY MONTALVAN, NICOLE MONTALVAN AND JACKIE MONTALVAN, MINORS,

JOSE PAULINO NAJAR, JOSE PAZ HERNANDEZ, JOSE R. SOLIS, SR., JOSE RAMOS, JOSE ROMERO, INDIVIDUALLY AND DBA LA SALVADORENA SPORTS BAR AND SAN MIGUELITO SPORT BAR, JOSE TOVAR, INDIVIDUALLY AND AS NEXT FRIEND OF JASMIN SERNA, MINOR, JOSEPH PHAN AKA KHANH PHAN AND LINDSEY TRAN, INDIVIDUALLY AND AS NEXT FRIENDS OF PHRILLIT PHAN, JESSIE PHAN, MICHELLE PHAN AND ALLISON PHAN, MINORS, JOSEPH VANCE BOYD, JOSHUA LEE, JOSHUA OLIVER, JOSHUA REESE, JOSUE BALLESTEROS, JOSUE TORRES, JOYCE OWENS, JUAN CARLOS MATA, JUAN FRANCISCO AYALA, JUAN TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF FERNANDO TORRES, ALONDRA TORRES AND ANTHONY TORRES, MINORS, JUAN VALDEZ, JUANA ONTIVEROS, JUANA QUIROZ, JUANA SOLORZANO, JULIA SANDOVAL, JULIAN RAMIREZ, JULIE ONTIVEROS, JULIO GRANILLO INCORRECTLY NAMED JULIO GRONILLO, INDIVIDUALLY AND AS NEXT FRIEND OF CARLOS G. ALVARADO INCORRECTLY NAMED CARLOS GALVANODO, MINOR, JULIO ONTIVEROS, JULIO CESAR RAMIREZ, KAREN FISHER, KAREN TORRES, KARINA RAMOS, INDIVIDUALLY AND AS NEXT FRIEND OF OLIVIA BUSTAMANTE AND VANESSA BUSTAMANTE, MINORS, KARLA CARRILLO INCORRECTLY NAMED KARLA CARILLO, INDIVIDUALLY AND AS NEXT FRIEND OF LESLY GARCIA INCORRECTLY NAMED LESLIE GARCIA AND CHRISTOPHER GARCIA, MINORS, KARLA PARRA, KARYN LAAKE, INDIVIDUALLY AND AS NEXT FRIEND OF CAMRYN SORRELLS, MINOR, KATHERINE E. DRAWSAND, INDIVIDUALLY AND AS NEXT FRIEND OF DANIEL R. DRAWSAND, MINOR, KENIA VANESSA MORALES SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF KENNETH MATA AND BRIANA MATA, MINORS, KEVIN BONNY, KEVIN JACKSON,

KHAN NGUYEN, KIMBERLY POLLARD, KIM SIN, KIMBERLY SHOLARS, KRISTOPHER VON HOHN, KUM SUN SONG, LAN TRAN, LATONETTE SMITH, LATRECIA AUSTIN, LAURA DIAZ, LAURA JOHNSON, INDIVIDUALLY AND AS NEXT FRIEND OF NATALIE BALDERAS & LAILA BALDERAS, MINORS, LAURA TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF SOFIA TORRES, MINOR, LAZARO ALVAREZ VASQUEZ, LENA CARDENAS, LENE BACCAM, LEONARDO FORTUNO, LEONEL RAMIREZ, INDIVIDUALLY AND DBA TEXAS RADIATOR AUTO REPAIR, INC., LEONOR BALLINAS DE FUENTES, LETICIA PALACIOS, LINDA DANG, INDIVIDUALLY AND AS NEXT FRIEND OF AIDEN LUKE REESE, MINOR, LINDSEY TRAN, LIZBETH HERNANDEZ, LOURDES RAMIREZ, LUIS AGUILERA, LUIS ANTONIO MELGAR, LUIS MEDELLIN, INDIVIDUALLY AND AS NEXT FRIEND OF GIOVANNI MEDELLIN AND DANIEL MEDELLIN, MINORS, LUIS TOWNS, LYNDIA MILNER, LYNN EDWARD DONOVAN, MAIRA ROMAN, MANUEL RUIZ, MARCELLA BONNY, MARCELO FALICK, MARGARET CARLIN, MARGARITA GUTIERREZ, MARGARITA IBARRA, MARGARITO GONZALEZ INCORRECTLY NAMED MARGARITO FLORES, MARIA ARTEAGA, MARIA DE LOURDES TAMAYO AKA MARIDE LOURDES TAMAYO, INDIVIDUALLY AND AS NEXT FRIEND OF VICENTE HERNANDEZ AND SEBASTIAN HERNANDEZ, MINORS, MARIA DEL CARMEN RUIZ, MARIA ELIZALDE, INDIVIDUALLY AND AS NEXT FRIEND OF ZUSSETE ARROYO, KATELYN ARROYO, NICOLE ARROYO, ILLIAN ARROYO AND ISAAC ARROYO, MINORS, MARIA ELOINA LOPEZ, MARIA FIGUEROA, MARIA HERNANDEZ, MARIA PEDRAZA, MARIA REGALADO, MARIA SOLORZANO, MARIA TORRES, MARIA ZAMUDIO, MARIA ZUNO, MARICRUZ MUNOZ, INDIVIDUALLY AND AS NEXT FRIEND OF SOPHIA

IGNACIO, MINOR, MARIO HERNANDEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ANGEL HERNANDEZ, MINOR, MARISOL ORDONEZ, MARISOL URIOSTEGUI, MARK BRADY, MARK IIAMS, MARLON HENRY, MARSEDEZ HAUGHTON, MARTA LUEVANO, MARTHA SANCHEZ INCORRECTLY NAMED MARTA SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ANGEL SANCHEZ AND JACKELINE SANCHEZ, MINORS, MARTHA KNOTTS, MARTHA TREJO, MARTIN DE JESUS BOADO PEREZ, MARTIN ESQUEDA, INDIVIDUALLY AND AS NEXT FRIEND OF JASMINE ESQUEDA AND ERIK ESQUEDA, MINORS, MARTIN GUZMAN, MARY BALLINGER, MARY CHURCH, INDIVIDUALLY AND AS NEXT FRIEND OF ELLIE RAMIREZ, MINOR, MARY DONOVAN, VAN MARY VU AKA MARY VU, MAYRA REYES, INDIVIDUALLY AND DBA 24/7 LAS VEGAS VIEW CINE, MAXINE C. WILLIAMS, MELISSA GARZA, INDIVIDUALLY AND AS NEXT FRIEND OF HARRISON FORTSON, MINOR, MELODY BANKS, MELVA IRIS HERNANDEZ AKA MELBA HERNANDEZ, MICHAEL DENNIS, MICHAEL HENRY, MICHAEL MORRISON, MICHAEL SCHARRINGHAUSEN, MIGUEL ANGEL CASTILLO OLMOS, MIGUEL ANGEL GARCIA, MIGUEL ANGEL SILVA, MIGUEL ANGEL TORRES, MIGUEL BELTRAN, MIGUEL MAJANO, MILAGRO DEL CARMEN GUANDIGUO AKA MILAGRO D. VASQUEZ, INDIVIDUALLY AND AS NEXT FRIEND OF KAREN VASQUEZ, KIMBERLY VASQUEZ AND KATHERINE ROMERO, MINORS, MILAGRO ORDONEZ, INDIVIDUALLY AND AS NEXT FRIEND OF EILEENE ORTIZ AND EATHON ORTIZ, MINORS, MINH HO, MIRIAM DEL CASTILLO, MIRIAN CRUZ, INDIVIDUALLY AND AS NEXT FRIEND OF BELINDA AYALA, MATTHEW VELASQUEZ, AND JENNIFER VELASQUEZ, MINORS, MOISES SALVADOR LEON, JR., MOISES SALVADOR SANCHEZ, MOISES ZAMUDIO, MONICA CARDENAS, NAM

STAPP, NANCY ROMAN, NANCY TOWNS, INDIVIDUALLY AND AS NEXT FRIEND OF ASHLEY TOWNS, MINOR, NATALIA DE JESUS BOADO PEREZ, INDIVIDUALLY AND AS NEXT FRIEND OF CLARISSA MARTINEZ, MINOR, NATHALIA RAMIREZ, NECKER ARCHELUS, NELSON SIMOES DOS SANTOS, NEVIE MARTINEZ, NGA DANG, INDIVIDUALLY AND AS NEXT FRIEND OF QUAN NGUYEN, AN NGUYEN AND ANH NGUYEN, MINORS, NICHOLAS ARROYO, NICOLE GRAY, NIRALI PATEL, NOE PULIDO, NONG PHAN, NORA GARCIA, NORMA BALLESTEROS, NURDAN SCHIAFFO, OMAR GARZA, OSCAR CIFUENTES, PABLO LOPEZ, INDIVIDUALLY AND AS NEXT FRIEND OF LISSA JENNIFER LOPEZ, MINOR, PABLO RIVAS, PATRICIA ADAME FUJII, INDIVIDUALLY AND AS NEXT FRIEND OF NOAH FUJII, MINOR, PATRICIA PORTALES SANDOVAL, PAULA FISHER, PEDRO ARRIAGA, PEDRO LUNA, PEGGY SANDERS, PHONG NGUYEN, INDIVIDUALLY AND AS NEXT FRIEND OF NATALIE LINH NGUYEN AKA LINH NGUYEN, ALEXANDER NGUYEN, KATHERINE NGUYEN AND KEVIN L. NGUYEN, MINORS, POEY ENG TIERMAN, QUYEN THUYEN NGUYEN, JOHN RADKEY JOLINK INCORRECTLY NAMED RADKEY JOLINK, RAMIRO ZUNIGA, RAMON GUSTAVO HERNANDEZ-MARTINEZ, RAMSES AYALA, RAUMIR JACOME, INDIVIDUALLY AND AS NEXT FRIEND OF ABIGAIL JACOME, MINOR, RAYMUNDO RAMOS, REFUGIO GUTIERREZ, REJNAL TUSHE, RENE RIVERA, RETTA FITZJARRALD, REYNA SANTANA, RICARDO BUSTAMANTE, RICARDO REYES, RICHARD MIKEL, ABRAHAM NA, ROBERT PEUGH, ROBERT SINGLETON, RODRIGO FLORES, ROLAND RAMIREZ, ROLANDO GARCIA, INDIVIDUALLY AND AS NEXT FRIEND OF ALENY GARCIA, KENDRA GARCIA AND BRIANA GARCIA, MINORS, ROMANA TEREZA CERVANTES, RONNIE OLMEDO, ROSA PARADA, ROSALBA

MARTINEZ, INDIVIDUALLY AND AS NEXT FRIEND OF CRISTHIAN MARTINEZ, VICTORIA MARTINEZ, MARIA Y. MARTINEZ AND MARIA N. MARTINEZ, MINORS, ROSALBA MENDIETA, INDIVIDUALLY AND AS NEXT FRIEND OF OMAR MENDIETA, MINOR, ROSAURA ALCALA, INDIVIDUALLY AND AS NEXT FRIEND OF DANIELA ALCALA, MINOR, ROSAURA ZAPATA CALIX, INDIVIDUALLY AND AS NEXT FRIEND OF SAMUEL HERNANDEZ ZAPATA, MINOR, RUBEN JAMES VILLALPANDO, RUBEN ZUNO PADILLA AKA RUBEN ZUNO, RUBENIA GARCIA, INDIVIDUALLY AND AS NEXT FRIEND OF MARISOL HERNANDEZ, MINOR, RUTHIE ARCHELUS, RYAN NGUYEN, SALOMON D. NUNEZ, SALOMON TORRES, SAMUEL GARCIA, JR., SANDRA BOTELLO, SANDRA CEPEDA INCORRECTLY NAMED SANDRA CEPADA, INDIVIDUALLY AND AS NEXT FRIEND OF ZOEY MEJIA AND ANDREW MEJIA INCORRECTLY NAMED ANDREA MEJIA, MINORS, SARA ESQUEDA, SARA RAMIREZ MELGAR, SARVELIO CAMPOS, INDIVIDUALLY AND AS NEXT FRIEND OF LITZY CAMPOS, LEONARDO CAMPOS AND KIMBERLY CAMPOS, MINORS, SATOHIRO FUJII, SAUMIL PATEL, SERGIO LIMAS, FIDES ZAMUDIO INCORRECTLY NAMED SIDES ZAMUDIO, SILVESTRE SAUL HERNANDEZ, SOLEIDY CRUZ, INDIVIDUALLY AND AS NEXT FRIEND OF ANDREA CRUZ, MINOR, SONIA HERNANDEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ADRIAN ALEJANDRE AND DAMIAN HERNANDEZ, MINORS, SOOK JANA, STEPHANIE COBOS, STEVEN STEGER, SUSAN WATKINS, SUSANA ESPARZA, INDIVIDUALLY AND AS NEXT FRIEND OF AIDEN PULIDO, MINOR, SUSANA GARZA, SUSANNE DENNIS, SUZANNE SLAVINSKY, TANA MOCHMAN PIERCE, TATIANA E. LARA, TED BACCAM, TERRI YOUNG, THELMA ZAMORA, INDIVIDUALLY AND AS NEXT FRIEND OF JOSHUA ZAMORA AND EMILY

ZAMORA, MINORS, THERESA DILLARD, THERESA STOJAN, THOMAS MATHEW, TOM HAND, TRACY STEPHENSON, TRANG NGUYEN, ANDREA HORTON AS NEXT FRIEND OF ELIANA HORTON, ABIGAIL HORTON, TROY HORTON AND ADI HORTON, MINORS, TRENICA HAUGHTON, TRIVIA DOUGLAS, INDIVIDUALLY AND AS NEXT FRIEND OF SKYLAR DOUGLAS, MINOR, VANESSA BALTIERREZ, VELMA HENRY, VERONICA MORENO VARGAS, INDIVIDUALLY AND AS NEXT FRIEND OF HILARY ROMERO AND VALERY ROMERO, MINORS, VERONICA RODRIGUEZ, VICENTE PAIT A, VICTONIA PEAY, VICTOR ALFONSO GUZMAN CASTILLO, VICTOR QUIJADA, VICTORIA HERNANDEZ, WILLIAM R. WOLFRAM III AKA W.R. WOLFRAM, III, WENCESLAO GUZMAN GRAJEDA, WENER SANCHEZ TORRES, WILLIAM PURSLEY, WILLIAM SCHIAFFO, XIAOJUAN ZHOU, XIMENA ZAMUDIO, INDIVIDUALLY AND AS NEXT FRIEND OF MIA ZAMUDIO, MINOR, XITHLALY PULIDO, XOCHITL FUENTES, YOLANDA WELLS-BROUGHTON, INDIVIDUALLY AND AS NEXT FRIEND OF ASIA BROUGHTON AND ISAIAH BROUGHTON, MINORS AND ZACKEITH EASON, Plaintiffs in the above-styled and numbered cause, files their Plaintiffs' Second Amended Petition against Defendants WATSON VALVE SERVICES, INC.; WATSON GRINDING AND MANUFACTURING CO.; WESTERN INTERNATIONAL GAS & CYLINDERS, INC.; MATHESON TRI-GAS, INC.; ARC SPECIALTIES, INC.; AUTOMATION PLUS, INC.; AUTOMATION PROCESS, INC.; TELEDYNE DETCON, INC. F/K/A DETCON, INC.; DETCON, INC. F/K/A OLDHAM; 3M COMPANY; TRCC, LLC; DATAONLINE, LLC; INDUSTRIAL SCIENTIFIC CORPORATION; TOTAL SAFETY U.S., INC.; AND NADER SALIM, and for the cause(s) of action would respectfully show this Honorable Court the following.

I.
PARTIES

1. Plaintiff ROBB KING is a natural person residing in Harris County, Texas.
2. Plaintiffs ABUNDIA AGUIRRE, INDIVIDUALLY AND AS NEXT FRIEND OF ABEL AGUIRRE AND AURELIO AGUIRRE, MINORS are natural persons residing in Harris County, Texas.
3. Plaintiffs ADA MONTOYA-TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF VICTORIA MACIEL AKA VICTORA MACIEL MONTOYA-TORRES, MINOR are natural persons residing in Harris County, Texas.
4. Plaintiff ADRIAN AGUIRRE-HERNANDEZ is a natural person residing in Harris County, Texas.
5. Plaintiff ADRIAN TRUJILLO is a natural person residing in Harris County, Texas.
6. Plaintiff ALBA JUDITH IBARRA is a natural person residing in Harris County, Texas.
7. Plaintiff ALBA MONTESINO is a natural person residing in Harris County, Texas.
8. Plaintiff ALBERTO O'CONNOR is a natural person residing in Harris County, Texas.
9. Plaintiff ALEJANDRO TOWNS is a natural person residing in Harris County, Texas.
10. Plaintiffs ALEXANDER LUNA, INDIVIDUALLY AND AS NEXT FRIEND OF TATIANNA LUNA, MINOR are natural persons residing in Harris County, Texas.
11. Plaintiff ALEXIS PARRA is a natural person residing in Harris County, Texas.
12. Plaintiff ALFONSO SANTANA is a natural person residing in Harris County, Texas.

13. Plaintiff ALICIA DETAMORE is a natural person residing in Harris County, Texas.

14. Plaintiffs ALICIA SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF JESSE DIAZ, ELIZABETH DIAZ, ANGIE SANCHEZ, SANTOS RIVAS AND ANGEL RIVAS, MINORS are natural persons residing in Harris County, Texas.

15. Plaintiffs ALVARO ARREOLA, INDIVIDUALLY AND AS NEXT FRIEND OF ALVARO ARRIAGA, MINOR are natural persons residing in Harris County, Texas.

16. Plaintiffs AMELIA DIOSDADO, INDIVIDUALLY AND AS NEXT FRIEND OF JESUS ANGEL SANCHEZ, MINOR are natural persons residing in Harris County, Texas.

17. Plaintiff ANA ARACELY VILLATORO is a natural person residing in Harris County, Texas.

18. Plaintiff ANA ORELLANA is a natural person residing in Harris County, Texas.

19. Plaintiff ANDRE CRUZ NAVA is a natural person residing in Harris County, Texas.

20. Plaintiff ANDRES ALBERTO URIOSTEGUI is a natural person residing in Harris County, Texas.

21. Plaintiffs ANDRES URIOSTEGUI AND MARIA URIOSTEGUI, INDIVIDUALLY AND AS NEXT FRIENDS OF JAZMIN URIOSTEGUI, MINOR are natural persons residing in Harris County, Texas.

22. Plaintiff ANGELA MCIVER is a natural person residing in Harris County, Texas.

23. Plaintiff ANGELA PRUDENCIO is a natural person residing in Harris County, Texas.

24. Plaintiff ANGELICA DIAZ-SANCHEZ is a natural person residing in Harris

County, Texas.

25. Plaintiff REBA ANN RAWLINSON AKA ANN RAWLINSIN AKA ANN RAWLINSON is a natural person residing in Harris County, Texas.

26. Plaintiff ANNIEVA STOKAN is a natural person residing in Harris County, Texas.

27. Plaintiff ANTONIO HECTOR LEAL, JR. is a natural person residing in Harris County, Texas.

28. Plaintiff ARTURO ZAMORA is a natural person residing in Harris County, Texas.

29. Plaintiff ASHLEY FOSTER is a natural person residing in Harris County, Texas.

30. Plaintiff AURORA COBOS is a natural person residing in Harris County, Texas.

31. Plaintiff AUSTIN LASPRILLA is a natural person residing in Harris County, Texas.

32. Plaintiff COURTYARD WESTWAY HOMEOWNERS ASSOCIATION, INC. is a homeowners association doing business in Harris County, Texas.

33. Plaintiffs AZUCENA SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF SAID AYALA, JERED AYALA AND YARETZY AYALA, MINORS are natural persons residing in Harris County, Texas.

34. Plaintiff AZUL MARINA PORRES is a natural person residing in Harris County, Texas.

35. Plaintiff BARBARA ROGERS is a natural person residing in Harris County, Texas.

36. Plaintiffs BEATRIZ SALAZAR , INDIVIDUALLY AND AS NEXT FRIEND OF JOSE A. GARZA, MINOR are natural persons residing in Harris County, Texas.

37. Plaintiffs BELKIS RIVERA, INDIVIDUALLY AND AS NEXT FRIEND OF

BRITNEY JIRON AND JUAN C. MARTINEZ, MINORS are natural persons residing in Harris County, Texas.

38. Plaintiffs BENITO AMBRIZ, INDIVIDUALLY AND AS NEXT FRIEND OF LIZBETH AMBRIZ, BENITO AMBRIZ, JR. AND ALEJANDRO AMBRIZ, MINORS are natural persons residing in Harris County, Texas.

39. Plaintiff BENJAMIN KING is a natural person residing in Harris County, Texas.

40. Plaintiff BERNITA SIMON is a natural person residing in Harris County, Texas.

41. Plaintiff BERTA ROMERO is a natural person residing in Harris County, Texas.

42. Plaintiff BERTHA ALICIA SALVADOR is a natural person residing in Harris County, Texas.

43. Plaintiffs BESSY SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF EMILIO GIRON, AISLINN GIRON AND KATHERIN GIRON, MINORS are natural persons residing in Harris County, Texas.

44. Plaintiff BETTY BAILEY is a natural person residing in Harris County, Texas.

45. Plaintiff BIANKA CERVANTES-VAZQUEZ is a natural person residing in Harris County, Texas.

46. Plaintiff BLANCA E. GUEVARA is a natural person residing in Harris County, Texas.

47. Plaintiff BLANCA RAMOS is a natural person residing in Harris County, Texas.

48. Plaintiffs BLANCA SILVA, INDIVIDUALLY AND AS NEXT FRIEND OF JESUS SILVA AND ADRIANA SILVA, MINORS are natural persons residing in Harris County, Texas.

49. Plaintiffs BLANCA SOLORZANO, INDIVIDUALLY AND AS NEXT FRIEND

OF BRENNAM SOLORZANO AND KERWIN SOLORZANO, MINORS are natural persons residing in Harris County, Texas.

50. Plaintiff BRENDA PHAM, INDIVIDUALLY AND DBA MOMENTO TATTOO STUDIO is a natural person doing business in and residing in Harris County, Texas.

51. Plaintiff BOB YEUNG is a natural person residing in Harris County, Texas.

52. Plaintiff BRIGIDA CARBAJAL TAPIA LOPEZ is a natural person residing in Harris County, Texas.

53. Plaintiff BRISA ZUNO is a natural person residing in Harris County, Texas.

54. Plaintiff CALEB OLIVER is a natural person residing in Harris County, Texas.

55. Plaintiff CANDELARIO ORTIZ AKA CANDELO ORTIZ is a natural person residing in Harris County, Texas.

56. Plaintiff CANDIDA VASQUEZ is a natural person residing in Harris County, Texas.

57. Plaintiff CARLOS ARTEAGA is a natural person residing in Harris County, Texas.

58. Plaintiff CARLOS GONZALEZ is a natural person residing in Harris County, Texas.

59. Plaintiff CARLOS HERNANDEZ is a natural person residing in Harris County, Texas.

60. Plaintiff CARLOS ALEXANDER LAZO is a natural person residing in Harris County, Texas.

61. Plaintiff CAROLINA BELTRAN, INDIVIDUALLY AND OBO MONTENEGRO ENTERPRISES LLC DBA NEWTHINGS HOME FURNITURE is a natural

person operating a commercial business in and residing in Harris County, Texas.

62. Plaintiffs CASEY WOLFRAM, INDIVIDUALLY AND AS NEXT FRIEND OF LANDON WOLFRAM, CLAY WOLFRAM AND JACKSON WOLFRAM, MINORS are natural persons residing in Harris County, Texas.

63. Plaintiff CECILIA ARREOLA is a natural person residing in Harris County, Texas.

64. Plaintiff CELEA MURCIA is a natural person residing in Harris County, Texas.

65. Plaintiff CELIA BALLESTEROS is a natural person residing in Harris County, Texas.

66. Plaintiffs CESAR CERVANTES, INDIVIDUALLY AND AS NEXT FRIEND OF SANTIAGO CERVANTES, MINOR are natural persons residing in Harris County, Texas.

67. Plaintiff CHRIS MANZKE is a natural person residing in Harris County, Texas.

68. Plaintiffs CHRISTIAN BALLESTEROS, INDIVIDUALLY AND AS NEXT FRIEND OF ZOE BALLESTEROS, MINOR are natural persons residing in Harris County, Texas.

69. Plaintiff CHRISTIAN FUENTES is a natural person residing in Harris County, Texas.

70. Plaintiff CHRISTIE HULTS is a natural person residing in Harris County, Texas.

71. Plaintiff DAWNA CHRISTINA HAND AKA CHRISTINA HAND is a natural person residing in Harris County, Texas.

72. Plaintiff CHRISTINA PHAM is a natural person residing in Harris County, Texas.

73. Plaintiff CHRISTINE CHUMA is a natural person residing in Harris County, Texas.

74. Plaintiff CINDY HERNANDEZ is a natural person residing in Harris County,

Texas.

75. Plaintiff CLABURNE LONG is a natural person residing in Harris County, Texas.

76. Plaintiff CLAUDIA ARROYO is a natural person residing in Harris County, Texas.

77. Plaintiffs CLAUDIA OROZCO, INDIVIDUALLY AND AS NEXT FRIEND OF NATALIE PULIDO, MINOR, are natural persons residing in Harris County, Texas.

78. Plaintiff COLEMAN PEAY is a natural person residing in Harris County, Texas.

79. Plaintiff COLLEEN PRICE is a natural person residing in Harris County, Texas.

80. Plaintiffs CONSTANTINO SOSA, INDIVIDUALLY AND AS NEXT FRIEND OF IVANIA NOEMI HERRERA ORDONEZ AND AARON JACIEL NAJAR HERRERA, MINORS are natural persons residing in Harris County, Texas.

81. Plaintiff CORY BUZNEGO is a natural person residing in Harris County, Texas.

82. Plaintiffs CRISOFORO TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF CHRIS TORRES, ABIGAIL TORRES, ISRAEL TORRES AND ESTHER TORRES, MINORS are natural persons residing in Harris County, Texas.

83. Plaintiffs CHRISTINE JOLINK INCORRECTLY NAMED CRISTINE JOLINK, INDIVIDUALLY AND AS NEXT FRIEND OF MILES JOLINK, MASON JOLINK AND MOLLY JOLINK, MINORS are natural persons residing in Harris County, Texas.

84. Plaintiff CRISTIAN ZUNO is a natural person residing in Harris County, Texas.

85. Plaintiff CYNTHIA ISOME is a natural person residing in Harris County, Texas.

86. Plaintiff CYNTHIA SEGOVIA is a natural person residing in Harris County, Texas.

87. Plaintiff DALLANDYSHE TUSHE is a natural person residing in Harris County,

Texas.

88. Plaintiff DANIEL ALCALA is a natural person residing in Harris County, Texas.

89. Plaintiff DANIEL ALCALA, SR. is a natural person residing in Harris County, Texas.

90. Plaintiffs DANIEL MARTINEZ, INDIVIDUALLY AND AS NEXT FRIEND OF JUAN D. MARTINEZ, MINOR are natural persons residing in Harris County, Texas.

91. Plaintiff DARLEEN B. SCROGGIN is a natural person residing in Harris County, Texas.

92. Plaintiff DARRELL LINDSEY is a natural person residing in Harris County, Texas.

93. Plaintiff DARRELL SMITH is a natural person residing in Harris County, Texas.

94. Plaintiff DAVID DIOSDADO is a natural person residing in Harris County, Texas.

95. Plaintiff DAVID STOJAN is a natural person residing in Harris County, Texas.

96. Plaintiff DEAN ENRIGHT is a natural person residing in Harris County, Texas.

97. Plaintiff DEAN PIERCE is a natural person residing in Harris County, Texas.

98. Plaintiffs DEBORA MCLAUGHLIN, INDIVIDUALLY AND AS NEXT FRIEND OF KNILES L. MITCHELL, JR. AND KNOAH M. MITCHELL, MINORS are natural persons residing in Harris County, Texas.

99. Plaintiff DEION HENDERSON is a natural person residing in Harris County, Texas.

100. Plaintiff DELMY SALGADO is a natural person residing in Harris County, Texas.

101. Plaintiff DEVIN YOUNG is a natural person residing in Harris County, Texas.

102. Plaintiff DIANA DIAZ is a natural person residing in Harris County, Texas.

103. Plaintiff DIANA ZEPEDA is a natural person residing in Harris County, Texas.

104. Plaintiff DINORAH GONZALEZ is a natural person residing in Harris County, Texas.

105. Plaintiffs DOLORES BOADO, INDIVIDUALLY AND AS NEXT FRIEND OF ALICIA GUADALUPE BOADO, MINOR are natural persons residing in Harris County, Texas.

106. Plaintiff DORA TURRUBIATES is a natural person residing in Harris County, Texas.

107. Plaintiff DORA VALDEZ is a natural person residing in Harris County, Texas.

108. Plaintiff DORIS RICHARDSON is a natural person residing in Harris County, Texas.

109. Plaintiff DULCE IVONE SANCHEZ is a natural person residing in Harris County, Texas.

110. Plaintiff DULCE RODRIGUEZ is a natural person residing in Harris County, Texas.

111. Plaintiffs DULCE ZUNO, INDIVIDUALLY AND AS NEXT FRIEND OF CAMILA OCHOA, MOISES OCHOA AND LUNA OCHOA, MINORS are natural persons residing in Harris County, Texas.

112. Plaintiff DUNG HUNG PHAM is a natural person residing in Harris County, Texas.

113. Plaintiff DYSHEBA FORD is a natural person residing in Harris County, Texas.

114. Plaintiffs EDUARDO FLORES, INDIVIDUALLY AND AS NEXT FRIEND OF NOAH MEYZEN, MINOR are natural persons residing in Harris County, Texas.

115. Plaintiff EDUARDO GALLEGOS is a natural person residing in Harris County,

Texas.

116. Plaintiff EDWARD RODRIGUEZ is a natural person residing in Harris County, Texas.

117. Plaintiff EDWARD SNYDER is a natural person residing in Harris County, Texas.

118. Plaintiffs EDWIN A. MONTESINO, INDIVIDUALLY AND AS NEXT FRIEND OF EDWIN H. MONTESINO AND ALEXANDER MONTESINO, MINORS are natural persons residing in Harris County, Texas.

119. Plaintiff EDWIN ALVAREZ is a natural person residing in Harris County, Texas.

120. Plaintiff EFRAIN MORALES is a natural person residing in Harris County, Texas.

121. Plaintiff ELIDA GUERRERO is a natural person residing in Harris County, Texas.

122. Plaintiff ELVIA ORTIZ INCORRECTLY NAMED ELIVIA ORTIZ is a natural person residing in Harris County, Texas.

123. Plaintiff ELIZABETH DUBUQUE is a natural person residing in Harris County, Texas.

124. Plaintiff ELVIRA LUNA is a natural person residing in Harris County, Texas.

125. Plaintiff ELWOOD LESTER NELSON AKA ELWOOD WHITFIELD NELSON is a natural person residing in Harris County, Texas.

126. Plaintiff ELYSE KING is a natural person residing in Harris County, Texas.

127. Plaintiffs EMMANUEL QUIROZ, INDIVIDUALLY AND AS NEXT FRIEND OF EMMANUEL QUIROZ, JR. AND JOHANN QUIROZ, MINORS are natural persons residing in Harris County, Texas.

128. Plaintiff ERIC INFANTE is a natural person residing in Harris County, Texas.

129. Plaintiffs ERICA BRAVO, INDIVIDUALLY AND AS NEXT FRIEND OF ERIK

BRAVO AND RUBY BRAVO, MINORS are natural persons residing in Harris County, Texas.

130. Plaintiff ERICK BADILLO is a natural person residing in Harris County, Texas.

131. Plaintiff ESMERALDA GUZMAN is a natural person residing in Harris County, Texas.

132. Plaintiff ESPERANZA CIFUENTES is a natural person residing in Harris County, Texas.

133. Plaintiff ESPERANZA WEBBER is a natural person residing in Harris County, Texas.

134. Plaintiff ESTHER RUIZ is a natural person residing in Harris County, Texas.

135. Plaintiffs EVELIN IBARRA, INDIVIDUALLY AND AS NEXT FRIEND OF JESUS IBARRA, JR., MINORS are natural persons residing in Harris County, Texas.

136. Plaintiff EVER BAUTISTA, INDIVIDUALLY AND DBA B&J TEXAS LONE STAR, is a natural person operating a commercial business in and residing in Harris County, Texas.

137. Plaintiff FABIAN MONTENEGRO, INDIVIDUALLY AND OBO MONTENEGRO ENTERPRISES LLC DBA NEWTHINGS HOME FURNITURE is a natural person operating a commercial business in and residing in Harris County, Texas.

138. Plaintiff FABIOLA REGALADO is a natural person residing in Harris County, Texas.

139. Plaintiff FAUSTINO QUIROZ is a natural person residing in Harris County, Texas.

140. Plaintiffs FAUSTINO ROMAN, INDIVIDUALLY AND AS NEXT FRIEND OF BRIANA ROMAN, MINOR are natural persons residing in Harris County, Texas.

141. Plaintiff FERNANDO CASTRO-CHAVEZ is a natural person residing in Harris County, Texas.

142. Plaintiff FERNANDO ORDONEZ is a natural person residing in Harris County, Texas.

143. Plaintiff FLOWER GARCIA is a natural person residing in Harris County, Texas.

144. Plaintiff FRANCINE GRANT is a natural person residing in Harris County, Texas.

145. Plaintiff FRANCISCO COBOS is a natural person residing in Harris County, Texas.

146. Plaintiffs FRANCISCO LOZANO, AS NEXT FRIEND OF ANA LOZANO AND XIMENA LOZANO, MINORS are natural persons residing in Harris County, Texas.

147. Plaintiff FRANCO AGUIRRE is a natural person residing in Harris County, Texas.

148. Plaintiff FRANK WAYNE ROGERS is a natural person residing in Harris County, Texas.

149. Plaintiff FRANKY ESTRADA is a natural person residing in Harris County, Texas.

150. Plaintiff GABRIEL OLIVER is a natural person residing in Harris County, Texas.

151. Plaintiffs GABRIELA GUTIERREZ, INDIVIDUALLY AND AS NEXT FRIEND OF ALEXA RUIZ AND ANGELIQUE RUIZ, MINORS are natural persons residing in Harris County, Texas.

152. Plaintiffs GABRIELA MARTINEZ, INDIVIDUALLY AND AS NEXT FRIEND OF DAMIAN MARTINEZ AND DALILAH MARTINEZ INCORRECTLY NAMED DALILAN MARTINEZ, MINORS are natural persons residing in Harris County, Texas.

153. Plaintiffs GABRIELA ZUNIGA, INDIVIDUALLY AND AS NEXT FRIEND OF

EMMELYN ZUNIGA, JAZMIN ZUNIGA AND GAELE ZUNIGA, MINORS are natural persons residing in Harris County, Texas.

154. Plaintiffs GARY TODD, INDIVIDUALLY AND AS NEXT FRIEND OF YAZMINA TODD, MINOR are natural persons residing in Harris County, Texas.

155. Plaintiff GEORGE ALVARADO is a natural person residing in Harris County, Texas.

156. Plaintiffs GILBERT ORELLANA, INDIVIDUALLY AND AS NEXT FRIEND OF MIA ORELLANA, ALEXANDER ORELLANA AND LEO ORELLANA, MINORS are natural persons residing in Harris County, Texas.

157. Plaintiff GINA HAMS is a natural person residing in Harris County, Texas.

158. Plaintiff GLADYS ZELAYA DE SANCHEZ is a natural person residing in Harris County, Texas.

159. Plaintiff GLENDA LEE is a natural person residing in Harris County, Texas.

160. Plaintiffs GLORIA BETANCOURT, INDIVIDUALLY AND AS NEXT FRIEND OF MARITZA LEON, MINOR are natural persons residing in Harris County, Texas.

161. Plaintiff GLORIA SOLORZANO is a natural person residing in Harris County, Texas.

162. Plaintiff GONZALO FISHER LOPEZ is a natural person residing in Harris County, Texas.

163. Plaintiff GREG PRIOR is a natural person residing in Harris County, Texas.

164. Plaintiff GREGORY SANDERS INCORRECTLY NAMED GREG SANDERS is a natural person residing in Harris County, Texas.

165. Plaintiff GREYSI YOELY RIVERA AYALA is a natural person residing in Harris

County, Texas.

166. Plaintiff GUADALUPE BANDERA is a natural person residing in Harris County, Texas.

167. Plaintiffs GUADALUPE GARCIA CASTRO, INDIVIDUALLY AND AS NEXT FRIEND OF KELLY M. ARIAES, MINOR are natural persons residing in Harris County, Texas.

168. Plaintiff GUADALUPE SANCHEZ CONTRERAS is a natural person residing in Harris County, Texas.

169. Plaintiff GUILLERMINA DIOSDADO is a natural person residing in Harris County, Texas.

170. Plaintiff GUILLERMO DURAN is a natural person residing in Harris County, Texas.

171. Plaintiff GUSTAVO BARAJAS is a natural person residing in Harris County, Texas.

172. Plaintiffs GUSTAVO VASQUEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ANTHONY VASQUEZ AND ADAM VASQUEZ, MINORS are natural persons residing in Harris County, Texas.

173. Plaintiff HANH NGUYEN is a natural person residing in Harris County, Texas.

174. Plaintiff HAO ANH NGUYEN is a natural person residing in Harris County, Texas.

175. Plaintiffs HECTOR A. CERVANTES, INDIVIDUALLY AND AS NEXT FRIEND OF HECTOR S. CERVANTES, MINOR are natural persons residing in Harris County, Texas.

176. Plaintiff HECTOR RUIZ is a natural person residing in Harris County, Texas.

177. Plaintiff ENRIQUETA GARCIA AKA ERIQUETA GARICA, INDIVIDUALLY AND AS REPRESENTATIVE OF HERBERTO CARDENAS ALMENDAREZ, DECEASED is a natural person residing in Harris County, Texas bringing suit Individually and on behalf of a deceased person.

178. Plaintiff HIEN THANH TRUONG is a natural person residing in Harris County, Texas.

179. Plaintiffs HILDA LIMAS, INDIVIDUALLY AND AS NEXT FRIEND OF SAMUEL LIMAS AND LIZZET LIMAS, MINORS are natural persons residing in Harris County, Texas.

180. Plaintiff HOMERO REGALADO, JR. is a natural person residing in Harris County, Texas.

181. Plaintiff HORACIO RODRIGUEZ is a natural person residing in Harris County, Texas.

182. Plaintiff HORTENCIA MONTES is a natural person residing in Harris County, Texas.

183. Plaintiff HUEY LONG is a natural person residing in Harris County, Texas.

184. Plaintiff I. J. CHANG is a natural person residing in Harris County, Texas.

185. Plaintiff ILIANA OLMOS is a natural person residing in Harris County, Texas.

186. Plaintiffs INES VAZQUEZ-LOPEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ALLISON FUENTES AND CHRISTIAN FUENTES, MINORS are natural persons residing in Harris County, Texas.

187. Plaintiff IRVIN GUEVARA is a natural person residing in Harris County, Texas.

188. Plaintiff ISAMAR BALLESTEROS is a natural person residing in Harris County,

Texas.

189. Plaintiff ISIDORO FUENTES is a natural person residing in Harris County, Texas.

190. Plaintiff ISUF TUSHE is a natural person residing in Harris County, Texas.

191. Plaintiff J. CARMEN BOTELLO is a natural person residing in Harris County,

Texas.

192. Plaintiff JACQUELYN ST. JULES is a natural person residing in Harris County,

Texas.

193. Plaintiff JACQUIE VON HOHN is a natural person residing in Harris County,

Texas.

194. Plaintiff JAMES BAILEY, SR. is a natural person residing in Harris County,

Texas.

195. Plaintiffs JAMESHIA MITCHELL, INDIVIDUALLY AND AS NEXT FRIEND OF KYLE HENDERSON, JANELLE HENDERSON AND KYRA HENDERSON, MINORS are natural persons residing in Harris County, Texas.

196. Plaintiffs JANET MARIE PRIOR, INDIVIDUALLY AND AS NEXT FRIEND OF JAYDYN PRIOR, MINOR are natural persons residing in Harris County, Texas.

197. Plaintiff JEAN RICE is a natural person residing in Harris County, Texas.

198. Plaintiff JEANETTE MCDANIEL is a natural person residing in Harris County,

Texas.

199. Plaintiff JEFFREY CREEL is a natural person residing in Harris County, Texas.

200. Plaintiffs JENEVA SMITH, INDIVIDUALLY AND AS NEXT FRIEND OF

KAYLA SMITH AND DE'ARION BROOKS, MINORS are natural persons residing in Harris County, Texas.

201. Plaintiffs JENNI DE GUZMAN, INDIVIDUALLY AND AS NEXT FRIEND OF PAMELA A. RAMIREZ, MINOR are natural persons residing in Harris County, Texas.

202. Plaintiffs JENNIFER ESQUEDA, INDIVIDUALLY AND AS NEXT FRIEND OF EDGAR ESQUEDA, JR., MINOR are natural persons residing in Harris County, Texas.

203. Plaintiff JEREMIAH OLIVER is a natural person residing in Harris County, Texas.

204. Plaintiffs JERMAINE AUSTIN, INDIVIDUALLY AND AS NEXT FRIEND OF BRYCE AUSTIN, BRAYTON AUSTIN AND CHASETON AUSTIN, MINORS are natural persons residing in Harris County, Texas.

205. Plaintiff JESSEE RUIZ is a natural person residing in Harris County, Texas.

206. Plaintiffs JESSICA SOLIS, INDIVIDUALLY AND AS NEXT FRIEND OF JOSE R. SOLIS, JR., MINOR are natural persons residing in Harris County, Texas.

207. Plaintiff JESUS GONZALEZ is a natural person residing in Harris County, Texas.

208. Plaintiff JESUS GUERRERO RODRIGUEZ is a natural person residing in Harris County, Texas.

209. Plaintiff JESUS IBARRA is a natural person residing in Harris County, Texas.

210. Plaintiff JESUS SANCHEZ MORAN is a natural person residing in Harris County, Texas.

211. Plaintiff JIM CHAN is a natural person residing in Harris County, Texas.

212. Plaintiff JIMENA ESCUDERO is a natural person residing in Harris County, Texas.

213. Plaintiff JIMMY NGUYEN is a natural person residing in Harris County, Texas.

214. Plaintiff JIN CHAN NA is a natural person residing in Harris County, Texas.

215. Plaintiff JOAQUIN ALVAREZ is a natural person residing in Harris County,

Texas.

216. Plaintiffs JONATHAN BERRONES, INDIVIDUALLY AND AS NEXT FRIEND OF ISABELLA BERRONES AND MIA GRACE BERRONES, MINORS are natural persons residing in Harris County, Texas.

217. Plaintiffs JORGE CHACON, INDIVIDUALLY AND AS NEXT FRIEND OF KENDRA GALVAN INCORRECTLY NAMED KENDRA GALVA, MINOR are natural persons residing in Harris County, Texas.

218. Plaintiff JORGE LUIS GARZA is a natural person residing in Harris County, Texas.

219. Plaintiff JORGE LUIS GARZA REYES is a natural person residing in Harris County, Texas.

220. Plaintiff JOSE ALBERTO GARZA REYES is a natural person residing in Harris County, Texas.

221. Plaintiff JOSE BANDERA is a natural person residing in Harris County, Texas.

222. Plaintiff JOSE DAMIAN MEDELLIN is a natural person residing in Harris County, Texas.

223. Plaintiffs JOSE ELOY ORTEGA, INDIVIDUALLY AND AS NEXT FRIEND OF ERIC ORTEGA, MINOR are natural persons residing in Harris County, Texas.

224. Plaintiff JOSE GIRON is a natural person residing in Harris County, Texas.

225. Plaintiff JOSE LUIS TORRES is a natural person residing in Harris County, Texas.

226. Plaintiffs JOSE MONTALVAN, INDIVIDUALLY AND AS NEXT FRIEND OF JOSE MONTALVAN, ASHLEY MONTALVAN, NICOLE MONTALVAN AND JACKIE MONTALVAN, MINORS are natural persons residing in Harris County, Texas.

227. Plaintiff JOSE PAULINO NAJAR is a natural person residing in Harris County, Texas.

228. Plaintiff JOSE PAZ HERNANDEZ is a natural person residing in Harris County, Texas.

229. Plaintiff JOSE R. SOLIS, SR. is a natural person residing in Harris County, Texas.

230. Plaintiff JOSE RAMOS is a natural person residing in Harris County, Texas.

231. Plaintiff JOSE ROMERO, INDIVIDUALLY AND DBA LA SALVADORENA SPORTS BAR AND SAN MIGUELITO SPORTS BAR is a natural person doing commercial business in and residing in Harris County, Texas.

232. Plaintiffs JOSE TOVAR, INDIVIDUALLY AND AS NEXT FRIEND OF JASMIN SERNA, MINOR are natural persons residing in Harris County, Texas.

233. Plaintiffs JOSEPH PHAN AKA KHANH PHAN AND LINDSEY TRAN, INDIVIDUALLY AND AS NEXT FRIENDS OF PHRILLIT PHAN, JESSIE PHAN, MICHELLE PHAN AND ALLISON PHAN, MINORS are natural persons residing in Harris County, Texas.

234. Plaintiff JOSEPH VANCE BOYD is a natural person residing in Harris County, Texas.

235. Plaintiff JOSHUA LEE is a natural person residing in Harris County, Texas.

236. Plaintiff JOSHUA OLIVER is a natural person residing in Harris County, Texas.

237. Plaintiff JOSHUA REESE is a natural person residing in Harris County, Texas.

238. Plaintiff JOSUE BALLESTEROS is a natural person residing in Harris County, Texas.

239. Plaintiff JOSUE TORRES is a natural person residing in Harris County, Texas.

240. Plaintiff JOYCE OWENS is a natural person residing in Harris County, Texas.

241. Plaintiff JUAN CARLOS MATA is a natural person residing in Harris County, Texas.

242. Plaintiff JUAN FRANCISCO AYALA is natural person residing in Harris County, Texas.

243. Plaintiffs JUAN FERNANDO TORRES AKA JUAN TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF FERNANDO TORRES, ALONDRA TORRES AND ANTHONY TORRES, MINORS are natural persons residing in Harris County, Texas.

244. Plaintiff JUAN VALDEZ is a natural person residing in Harris County, Texas.

245. Plaintiff JUANA ONTIVEROS is a natural person residing in Harris County, Texas.

246. Plaintiff JUANA QUIROZ is a natural person residing in Harris County, Texas.

247. Plaintiff JUANA SOLORZANO is a natural person residing in Harris County, Texas.

248. Plaintiff JULIA SANDOVAL is a natural person residing in Harris County, Texas.

249. Plaintiff JULIAN RAMIREZ is a natural person residing in Harris County, Texas.

250. Plaintiff JULIE ONTIVEROS is a natural person residing in Harris County, Texas.

251. Plaintiffs JULIO GRANILLO INCORRECTLY NAMED JULIO GRONILLO, INDIVIDUALLY AND AS NEXT FRIEND OF CARLOS GALVANODO, MINOR are natural persons residing in Harris County, Texas.

252. Plaintiff JULIO ONTIVEROS is a natural person residing in Harris County, Texas.

253. Plaintiff JULIO CESAR RAMIREZ is a natural person residing in Harris County, Texas.

254. Plaintiff KAREN FISHER is a natural person residing in Harris County, Texas.

255. Plaintiff KAREN TORRES is a natural person residing in Harris County, Texas.

256. Plaintiffs KARINA RAMOS, INDIVIDUALLY AND AS NEXT FRIEND OF OLIVIA BUSTAMANTE AND VANESSA BUSTAMANTE, MINORS are natural persons residing in Harris County, Texas.

257. Plaintiffs KARLA CARRILLO INCORRECTLY NAMED KARLA CARILLO, INDIVIDUALLY AND AS NEXT FRIEND OF LESLY GARCIA INCORRECTLY NAMED LESLIE GARCIA AND CHRISTOPHER GARCIA, MINORS are natural persons residing in Harris County, Texas.

258. Plaintiff KARLA PARRA is a natural person residing in Harris County, Texas.

259. Plaintiffs KARYN LAAKE, AS NEXT FRIEND OF CAMRYN SORRELLS, MINOR are natural persons residing in Harris County, Texas.

260. Plaintiffs KATHERINE E. DRAWSAND, INDIVIDUALLY AND AS NEXT FRIEND OF DANIEL R. DRAWSAND, MINOR are natural persons residing in Harris County, Texas.

261. Plaintiffs KENIA VANESSA MORALES SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF KENNETH MATA AND BRIANA MATA, MINORS are natural persons residing in Harris County, Texas.

262. Plaintiff KEVIN BONNY is a natural person residing in Harris County, Texas.

263. Plaintiff KEVIN JACKSON is a natural person residing in Harris County, Texas.

264. Plaintiff KHAN NGUYEN is a natural person residing in Harris County, Texas.

265. Plaintiff KIMBERLY POLLARD is a natural person residing in Harris County, Texas.

266. Plaintiff KIM SIN is a natural person residing in Harris County, Texas.
267. Plaintiff KIMBERLY SHOLARS is a natural person residing in Harris County, Texas.
268. Plaintiff KRISTOPHER VON HOHN is a natural person residing in Harris County, Texas.
269. Plaintiff KUM SUN SONG is a natural person residing in Harris County, Texas.
270. Plaintiff LAN TRAN is a natural person residing in Harris County, Texas.
271. Plaintiff LATONETTE SMITH is a natural person residing in Harris County, Texas.
272. Plaintiff LATRECIA AUSTIN is a natural person residing in Harris County, Texas.
273. Plaintiff LAURA DIAZ is a natural person residing in Harris County, Texas.
274. Plaintiffs LAURA JOHNSON, INDIVIDUALLY AND AS NEXT FRIEND OF NATALIE BALDERAS & LAILA BALDERAS, MINORS are natural persons residing in Harris County, Texas.
275. Plaintiffs LAURA TORRES, INDIVIDUALLY AND AS NEXT FRIEND OF SOFIA TORRES, MINOR are natural persons residing in Harris County, Texas.
276. Plaintiff LAZARO ALVAREZ VASQUEZ is a natural person residing in Harris County, Texas.
277. Plaintiff LENA CARDENAS is a natural person residing in Harris County, Texas.
278. Plaintiff LENE BACCAM is a natural person residing in Harris County, Texas.
279. Plaintiff LEONARDO FORTUNO is a natural person residing in Harris County, Texas.
280. Plaintiff LEONEL RAMIREZ, INDIVIDUALLY AND DBA TEXAS

RADIATOR AUTO REPAIR, INC. is a natural person operating a commercial business in and residing in Harris County, Texas.

281. Plaintiff LEONOR BALLINAS DE FUENTES is a natural person residing in Harris County, Texas.

282. Plaintiff LETICIA PALACIOS is a natural person residing in Harris County, Texas.

283. Plaintiffs LINDA DANG, INDIVIDUALLY AND AS NEXT FRIEND OF AIDEN LUKE REESE, MINOR are natural persons residing in Harris County, Texas.

284. Plaintiff LINDSEY TRAN is a natural person residing in Harris County, Texas.

285. Plaintiff LIZBETH HERNANDEZ is a natural person residing in Harris County, Texas.

286. Plaintiff LOURDES RAMIREZ is a natural person residing in Harris County, Texas.

287. Plaintiff LUIS AGUILERA is a natural person residing in Harris County, Texas.

288. Plaintiff LUIS ANTONIO MELGAR is a natural person residing in Harris County, Texas.

289. Plaintiffs LUIS MEDELLIN, INDIVIDUALLY AND AS NEXT FRIEND OF GIOVANNI MEDELLIN AND DANIEL MEDELLIN, MINORS are natural persons residing in Harris County, Texas.

290. Plaintiff LUIS TOWNS is a natural person residing in Harris County, Texas.

291. Plaintiff LYNDIA MILNER is a natural person residing in Harris County, Texas.

292. Plaintiff LYNN EDWARD DONOVAN is a natural person residing in Harris County, Texas.

293. Plaintiff MAIRA ROMAN is a natural person residing in Harris County, Texas.
294. Plaintiff MANUEL RUIZ is a natural person residing in Harris County, Texas.
295. Plaintiff MARCELLA BONNY is a natural person residing in Harris County, Texas.
296. Plaintiff MARCELO FALLICK is a natural person residing in Harris County, Texas.
297. Plaintiff MARGARET CARLIN is a natural person residing in Harris County, Texas.
298. Plaintiff MARGARITA GUTIERREZ is a natural person residing in Harris County, Texas.
299. Plaintiff MARGARITA IBARRA is a natural person residing in Harris County, Texas.
300. Plaintiff MARGARITO GONZALEZ INCORRECTLY NAMED MARGARITO FLORES is a natural person residing in Harris County, Texas.
301. Plaintiff MARIA ARTEAGA is a natural person residing in Harris County, Texas.
302. Plaintiffs MARIA DE LOURDES TAMAYO AKA MARIDE LOURDES TAMAYO, INDIVIDUALLY AND AS NEXT FRIEND OF VICENTE HERNANDEZ AND SEBASTIAN HERNANDEZ, MINORS are natural persons residing in Harris County, Texas.
303. Plaintiff MARIA DEL CARMEN RUIZ is a natural person residing in Harris County, Texas.
304. Plaintiffs MARIA ELIZALDE, INDIVIDUALLY AND AS NEXT FRIEND OF ZUSSETE ARROYO, KATELYN ARROYO, NICOLE ARROYO, ILLIAN ARROYO AND ISAAC ARROYO, MINORS are natural persons residing in Harris County, Texas.

305. Plaintiff MARIA ELOINA LOPEZ is a natural person residing in Harris County, Texas.

306. Plaintiff MARIA FIGUEROA is a natural person residing in Harris County, Texas.

307. Plaintiff MARIA HERNANDEZ is a natural person residing in Harris County, Texas.

308. Plaintiff MARIA PEDRAZA is a natural person residing in Harris County, Texas.

309. Plaintiff MARIA REGALADO is a natural person residing in Harris County, Texas.

310. Plaintiff MARIA SOLORZANO is a natural person residing in Harris County, Texas.

311. Plaintiff MARIA TORRES is a natural person residing in Harris County, Texas.

312. Plaintiff MARIA ZAMUDIO is a natural person residing in Harris County, Texas.

313. Plaintiff MARIA ZUNO is a natural person residing in Harris County, Texas.

314. Plaintiffs MARICRUZ MUNOZ, INDIVIDUALLY AND AS NEXT FRIEND OF SOPHIA IGNACIO, MINOR are natural persons residing in Harris County, Texas.

315. Plaintiffs MARIO HERNANDEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ANGEL HERNANDEZ, MINOR are natural persons residing in Harris County, Texas.

316. Plaintiff MARISOL ORDONEZ is a natural person residing in Harris County, Texas.

317. Plaintiff MARISOL URIOSTEGUI is a natural person residing in Harris County, Texas.

318. Plaintiff MARK BRADY is a natural person residing in Harris County, Texas.

319. Plaintiff MARK IIAMS is a natural person residing in Harris County, Texas.

320. Plaintiff MARLON HENRY is a natural person residing in Harris County, Texas.

321. Plaintiff MARSEDEZ HAUGHTON is a natural person residing in Harris County, Texas.

322. Plaintiff MARTA LUEVANO is a natural person residing in Harris County, Texas.

323. Plaintiffs MARTHA SANCHEZ INCORRECTLY NAMED MARTA SANCHEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ANGEL SANCHEZ AND JACKELINE SANCHEZ, MINORS are natural persons residing in Harris County, Texas.

324. Plaintiff MARTHA KNOTTS is a natural person residing in Harris County, Texas.

325. Plaintiff MARTHA TREJO is a natural person residing in Harris County, Texas.

326. Plaintiffs MARTIN ESQUEDA, INDIVIDUALLY AND AS NEXT FRIEND OF JASMINE ESQUEDA AND ERIK ESQUEDA, MINORS are natural persons residing in Harris County, Texas.

327. Plaintiff MARTIN GUZMAN is a natural person residing in Harris County, Texas.

328. Plaintiff MARY BALLINGER is a natural person residing in Harris County, Texas.

329. Plaintiffs MARY CHURCH, INDIVIDUALLY AND AS NEXT FRIEND OF ELLIE RAMIREZ, MINOR are natural persons residing in Harris County, Texas.

330. Plaintiff MARY DONOVAN is a natural person residing in Harris County, Texas.

331. Plaintiff VAN MARY VU AKA MARY VU is a natural person residing in Harris County, Texas.

332. Plaintiff MAYRA REYES, INDIVIDUALLY AND DBA 24/7 LAS VEGAS VIEW CINE, is a natural person doing commercial business in and residing in Harris County, Texas.

333. Plaintiff MAXINE C. WILLIAMS is a natural person residing in Harris County,

Texas.

334. Plaintiffs MELISSA GARZA, INDIVIDUALLY AND AS NEXT FRIEND OF HARRISON FORTSON, MINOR are natural persons residing in Harris County, Texas.

335. Plaintiff MELODY BANKS is a natural person residing in Harris County, Texas.

336. Plaintiff MELVA IRIS HERNANDEZ AKA MELBA HERNANDEZ is a natural person residing in Harris County, Texas.

337. Plaintiff MICHAEL DENNIS is a natural person residing in Harris County, Texas.

338. Plaintiff MICHAEL HENRY is a natural person residing in Harris County, Texas.

339. Plaintiff MICHAEL MORRISON is a natural person residing in Harris County, Texas.

340. Plaintiff MICHAEL SCHARRINGHAUSEN is a natural person residing in Harris County, Texas.

341. Plaintiff MIGUEL ANGEL CASTILLO OLMOS is a natural person residing in Harris County, Texas.

342. Plaintiff MIGUEL ANGEL GARCIA is a natural person residing in Harris County, Texas.

343. Plaintiff MIGUEL ANGEL SILVA is a natural person residing in Harris County, Texas.

344. Plaintiff MIGUEL ANGEL TORRES is a natural person residing in Harris County, Texas.

345. Plaintiff MIGUEL BELTRAN is a natural person residing in Harris County, Texas.

346. Plaintiff MIGUEL MAJANO is a natural person residing in Harris County, Texas.

347. Plaintiffs MILAGRO DEL CARMEN GUANDIGUO AKA MILAGRO D.

VASQUEZ, INDIVIDUALLY AND AS NEXT FRIEND OF KAREN VASQUEZ, KIMBERLY VASQUEZ AND KATHERINE ROMERO, MINORS are natural persons residing in Harris County, Texas.

348. Plaintiffs MILAGRO ORDONEZ, INDIVIDUALLY AND AS NEXT FRIEND OF EILEENE ORTIZ AND EATHON ORTIZ, MINORS are natural persons residing in Harris County, Texas.

349. Plaintiff MINH HO is a natural person residing in Harris County, Texas.

350. Plaintiff MIRIAM DEL CASTILLO is a natural person residing in Harris County, Texas.

351. Plaintiffs MIRIAN CRUZ, INDIVIDUALLY AND AS NEXT FRIEND OF BELINDA AYALA, MATTHEW VELASQUEZ, AND JENNIFER VELASQUEZ, MINORS are natural persons residing in Harris County, Texas.

352. Plaintiff MOISES SALVADOR LEON, JR. is a natural person residing in Harris County, Texas.

353. Plaintiff MOISES SALVADOR SANCHEZ is a natural person residing in Harris County, Texas.

354. Plaintiff MOISES ZAMUDIO is a natural person residing in Harris County, Texas.

355. Plaintiff MONICA CARDENAS is a natural person residing in Harris County, Texas.

356. Plaintiff NAM STAPP is a natural person residing in Harris County, Texas.

357. Plaintiff NANCY ROMAN is a natural person residing in Harris County, Texas.

358. Plaintiffs NANCY TOWNS, INDIVIDUALLY AND AS NEXT FRIEND OF ASHLEY TOWNS, MINOR are natural persons residing in Harris County, Texas.

359. Plaintiffs NATALIA DE JESUS BOADO PEREZ, INDIVIDUALLY AND AS NEXT FRIEND OF CLARISSA MARTINEZ, MINOR are natural persons residing in Harris County, Texas.

360. Plaintiff NATHALIA RAMIREZ is a natural person residing in Harris County, Texas.

361. Plaintiff NECKER ARCHELUS is a natural person residing in Harris County, Texas.

362. Plaintiff NELSON SIMOES DOS SANTOS is a natural person residing in Harris County, Texas.

363. Plaintiff NEVIE MARTINEZ is a natural person residing in Harris County, Texas.

364. Plaintiffs NGA DANG, INDIVIDUALLY AND AS NEXT FRIEND OF QUAN NGUYEN, AN NGUYEN AND ANH NGUYEN, MINORS are natural persons residing in Harris County, Texas.

365. Plaintiff NICHOLAS ARROYO is a natural person residing in Harris County, Texas.

366. Plaintiff NICOLE GRAY is a natural person residing in Harris County, Texas.

367. Plaintiff NIRALI PATEL is a natural person residing in Harris County, Texas.

368. Plaintiff NOE PULIDO is a natural person residing in Harris County, Texas.

369. Plaintiff NONG PHAN is a natural person residing in Harris County, Texas.

370. Plaintiff NORA GARCIA is a natural person residing in Harris County, Texas.

371. Plaintiff NORMA BALLESTEROS is a natural person residing in Harris County, Texas.

372. Plaintiff NURDAN SCHIAFFO is a natural person residing in Harris County,

Texas.

373. Plaintiff OMAR GARZA is a natural person residing in Harris County, Texas.

374. Plaintiff OSCAR CIFUENTES is a natural person residing in Harris County, Texas.

375. Plaintiffs PABLO LOPEZ, INDIVIDUALLY AND AS NEXT FRIEND OF LISSA JENNIFER LOPEZ, MINOR are natural persons residing in Harris County, Texas.

376. Plaintiff PABLO RIVAS is a natural person residing in Harris County, Texas.

377. Plaintiffs PATRICIA ADAME FUJII, INDIVIDUALLY AND AS NEXT FRIEND OF NOAH FUJII, MINOR are natural persons residing in Harris County, Texas.

378. Plaintiff PAULA FISHER is a natural person residing in Harris County, Texas.

379. Plaintiff PEDRO ARRIAGA is a natural person residing in Harris County, Texas.

380. Plaintiff PEDRO LUNA is a natural person residing in Harris County, Texas.

381. Plaintiff PEGGY SANDERS is a natural person residing in Harris County, Texas.

382. Plaintiffs PHONG NGUYEN, INDIVIDUALLY AND AS NEXT FRIEND OF NATALIE LINH NGUYEN AKA LINH NGUYEN, ALEXANDER NGUYEN, KATHERINE NGUYEN AND KEVIN L. NGUYEN, MINORS are natural persons residing in Harris County, Texas.

383. Plaintiff POEY ENG TIERMAN is a natural person residing in Harris County, Texas.

384. Plaintiff QUYEN THUYEN NGUYEN is a natural person residing in Harris County, Texas.

385. Plaintiff JOHN RADKEY JOLINK INCORRECTLY NAMED RADKEY JOLINK is natural person residing in Harris County, Texas.

386. Plaintiff RAMIRO ZUNIGA is natural person residing in Harris County, Texas.

387. Plaintiff RAMON GUSTAVO HERNANDEZ-MARTINEZ is a natural person residing in Harris County, Texas.

388. Plaintiff RAMSES AYALA is a natural person residing in Harris County, Texas.

389. Plaintiffs RAUMIR JACOME, INDIVIDUALLY AND AS NEXT FRIEND OF ABIGAIL JACOME, MINOR are natural persons residing in Harris County, Texas.

390. Plaintiff RAYMUNDO RAMOS is a natural person residing in Harris County, Texas.

391. Plaintiff REFUGIO GUTIERREZ is a natural person residing in Harris County, Texas.

392. Plaintiff REJNAL TUSHE is a natural person residing in Harris County, Texas.

393. Plaintiff RENE RIVERA is a natural person residing in Harris County, Texas.

394. Plaintiff RETTA FITZJARRALD is a natural person residing in Harris County, Texas.

395. Plaintiff REYNA SANTANA is a natural person residing in Harris County, Texas.

396. Plaintiff RICARDO BUSTAMANTE is a natural person residing in Harris County, Texas.

397. Plaintiff RICARDO REYES is a natural person residing in Harris County, Texas.

398. Plaintiff RICHARD MIKEL is a natural person residing in Harris County, Texas.

399. Plaintiff ABRAHAM NA is a natural person residing in Harris County, Texas.

400. Plaintiff ROBERT PEUGH A natural persons residing in Harris County, Texas.

401. Plaintiff ROBERT SINGLETON is a natural person residing in Harris County, Texas.

402. Plaintiff RODRIGO FLORES is a natural person residing in Harris County, Texas.

403. Plaintiff ROLAND RAMIREZ is a natural person residing in Harris County, Texas.

404. Plaintiffs ROLANDO GARCIA, INDIVIDUALLY AND AS NEXT FRIEND OF ALENY GARCIA, KENDRA GARCIA AND BRIANA GARCIA, MINORS are natural persons residing in Harris County, Texas.

405. Plaintiff ROMANA TEREZA CERVANTES is a natural person residing in Harris County, Texas.

406. Plaintiff RONNIE OLMEDO is a natural person residing in Harris County, Texas.

407. Plaintiff ROSA PARADA is a natural person residing in Harris County, Texas.

408. Plaintiffs ROSALBA MARTINEZ, INDIVIDUALLY AND AS NEXT FRIEND OF CRISTHIAN MARTINEZ, VICTORIA MARTINEZ, MARIA Y. MARTINEZ AND MARIA N. MARTINEZ, MINORS are natural persons residing in Harris County, Texas.

409. Plaintiffs ROSALBA MENDIETA, INDIVIDUALLY AND AS NEXT FRIEND OF OMAR MENDIETA, MINOR are natural persons residing in Harris County, Texas.

410. Plaintiffs ROSAURA ALCALA, INDIVIDUALLY AND AS NEXT FRIEND OF DANIELA ALCALA, MINOR are natural persons residing in Harris County, Texas.

411. Plaintiffs ROSAURA ZAPATA CALIX, INDIVIDUALLY AND AS NEXT FRIEND OF SAMUEL HERNANDEZ ZAPATA, MINOR are natural persons residing in Harris County, Texas

412. Plaintiff RUBEN JAMES VILLALPANDO is a natural person residing in Harris County, Texas.

413. Plaintiff RUBEN ZUNO PADILLA AKA RUBEN ZUNO is a natural person residing in Harris County, Texas.

414. Plaintiffs RUBENIA GARCIA, INDIVIDUALLY AND AS NEXT FRIEND OF MARISOL HERNANDEZ, MINOR are natural persons residing in Harris County, Texas.

415. Plaintiff RUTHIE ARCHELUS is a natural person residing in Harris County, Texas.

416. Plaintiff RYAN NGUYEN is a natural person residing in Harris County, Texas.

417. Plaintiff SALOMON D. NUNEZ is a natural person residing in Harris County, Texas.

418. Plaintiff SALOMON TORRES is a natural person residing in Harris County, Texas.

419. Plaintiff SAMUEL GARCIA, JR. is a natural person residing in Harris County, Texas.

420. Plaintiff SANDRA BOTELLO is a natural person residing in Harris County, Texas.

421. Plaintiffs SANDRA CEPEDA INCORRECTLY NAMED SANDRA CEPADA, INDIVIDUALLY AND AS NEXT FRIEND OF ZOEY MEJIA AND ANDREW MEJIA INCORRECTLY NAMED ANDREA MEJIA, MINORS are natural persons residing in Harris County, Texas.

422. Plaintiff SARA ESQUEDA is a natural person residing in Harris County, Texas.

423. Plaintiff SARA RAMIREZ MELGAR is a natural person residing in Harris County, Texas.

424. Plaintiffs SARVELIO CAMPOS, INDIVIDUALLY AND AS NEXT FRIEND OF LITZY CAMPOS, LEONARDO CAMPOS AND KIMBERLY CAMPOS, MINORS are natural persons residing in Harris County, Texas.

425. Plaintiff SATOHIRO FUJII is a natural person residing in Harris County, Texas.

426. Plaintiff SAUMIL PATEL is a natural person residing in Harris County, Texas.

427. Plaintiff SERGIO LIMAS is a natural person residing in Harris County, Texas.

428. Plaintiff FIDES ZAMUDIO INCORRECTLY NAMED SIDES ZAMUDIO is a natural person residing in Harris County, Texas.

429. Plaintiff SILVESTRE SAUL HERNANDEZ is a natural person residing in Harris County, Texas.

430. Plaintiffs SOLEIDY CRUZ, INDIVIDUALLY AND AS NEXT FRIEND OF ANDREA CRUZ, MINOR are natural persons residing in Harris County, Texas.

431. Plaintiffs SONIA HERNANDEZ, INDIVIDUALLY AND AS NEXT FRIEND OF ADRIAN ALEJANDRE AND DAMIAN HERNANDEZ, MINORS are natural persons residing in Harris County, Texas.

432. Plaintiff SOOK JA NA is a natural person residing in Harris County, Texas.

433. Plaintiff STEPHANIE COBOS is a natural person residing in Harris County, Texas.

434. Plaintiff STEVEN STEGER is a natural person residing in Harris County, Texas.

435. Plaintiff SUSAN WATKINS is a natural person residing in Harris County, Texas.

436. Plaintiffs SUSANA ESPARZA, INDIVIDUALLY AND AS NEXT FRIEND OF AIDEN PULIDO, MINOR, ARE natural persons residing in Harris County, Texas.

437. Plaintiff SUSANA GARZA is a natural person residing in Harris County, Texas.

438. Plaintiff SUSANNE DENNIS is a natural person residing in Harris County, Texas.

439. Plaintiff SUZANNE SLAVINSKY is a natural person residing in Harris County, Texas.

440. Plaintiff TANA MOCHMAN PIERCE is a natural person residing in Harris

County, Texas.

441. Plaintiff TED BACCAM is a natural person residing in Harris County, Texas.

442. Plaintiff TERRI YOUNG is a natural person residing in Harris County, Texas.

443. Plaintiffs THELMA ZAMORA, INDIVIDUALLY AND AS NEXT FRIEND OF JOSHUA ZAMORA AND EMILY ZAMORA, MINORS are natural persons residing in Harris County, Texas.

444. Plaintiff THERESA DILLARD is a natural person residing in Harris County, Texas.

445. Plaintiff THERESA STOJAN is a natural person residing in Harris County, Texas.

446. Plaintiff THOMAS MATHEW is a natural person residing in Harris County, Texas.

447. Plaintiff TOM HAND is a natural person residing in Harris County, Texas.

448. Plaintiff TRACY STEPHENSON is a natural person residing in Harris County, Texas.

449. Plaintiff TRANG NGUYEN is a natural person residing in Harris County, Texas.

450. Plaintiffs ANDREA HORTON, INDIVIDUALLY AND AS NEXT FRIEND OF ELIANA HORTON, ABIGAIL HORTON, TROY HORTON AND ADI HORTON, MINORS are natural persons residing in Harris County, Texas.

451. Plaintiff TRENICA HAUGHTON is a natural person residing in Harris County, Texas.

452. Plaintiff TRIVIA DOUGLAS, INDIVIDUALLY AND AS NEXT FRIEND OF SKYLAR DOUGLAS, MINOR are natural persons residing in Harris County, Texas.

453. Plaintiff VANESSA BALTIERREZ is a natural person residing in Harris County,

Texas.

454. Plaintiff VELMA HENRY is a natural person residing in Harris County, Texas.

455. Plaintiffs VERONICA MORENO VARGAS, INDIVIDUALLY AND AS NEXT FRIEND OF HILARY ROMERO AND VALERY ROMERO, MINORS are natural persons residing in Harris County, Texas.

456. Plaintiff VERONICA RODRIGUEZ is a natural person residing in Harris County, Texas.

457. Plaintiff VICENTE PAITA is a natural person residing in Harris County, Texas.

458. Plaintiff VICTONIA PEAY is a natural person residing in Harris County, Texas.

459. Plaintiff VICTOR ALFONSO GUZMAN CASTILLO is a natural person residing in Harris County, Texas.

460. Plaintiff VICTOR QUIJADA is a natural person residing in Harris County, Texas.

461. Plaintiff VICTORIA HERNANDEZ is a natural person residing in Harris County, Texas.

462. Plaintiff WILLIAM R. WOLFRAM III AKA W. R. WOLFRAM, III is a natural person residing in Harris County, Texas.

463. Plaintiff WENCESLAO GUZMAN GRAJEDA is a natural person residing in Harris County, Texas.

464. Plaintiff WENER SANCHEZ TORRES is a natural person residing in Harris County, Texas.

465. Plaintiff WILLIAM PURSLEY is a natural person residing in Harris County, Texas.

466. Plaintiff WILLIAM SCHIAFFO is a natural person residing in Harris County,

Texas.

467. Plaintiff XIAOJUAN ZHOU is a natural person residing in Harris County, Texas.

468. Plaintiffs XIMENA ZAMUDIO, INDIVIDUALLY AND AS NEXT FRIEND OF MIA ZAMUDIO, MINOR are natural persons residing in Harris County, Texas.

469. Plaintiff XITHLALY PULIDO is a natural person residing in Harris County, Texas.

470. Plaintiff XOCHITL FUENTES is a natural person residing in Harris County, Texas.

471. Plaintiffs YOLANDA WELLS-BROUGHTON, INDIVIDUALLY AND AS NEXT FRIEND OF ASIA BROUGHTON AND ISAIAH BROUGHTON, MINORS are natural persons residing in Harris County, Texas.

472. Plaintiff ZACKEITH EASON is a natural person residing in Harris County, Texas.

473. Defendant, WATSON VALVE SERVICES, INC. (“WATSON VALVE”) is a domestic for-profit corporation doing business in the State of Texas. Defendant’s principal place of business is located in Harris County, Texas. Defendant has appeared and answered.

474. Defendant, WATSON GRINDING AND MANUFACTURING CO. (“WATSON GRINDING”) is a domestic for-profit corporation doing business in the State of Texas. Defendant’s principal place of business is located in Harris County, Texas. Defendant has appeared and answered.

475. Defendant, WESTERN INTERNATIONAL GAS & CYLINDERS, INC. (“WESTERN”) is a domestic for-profit corporation doing business in the State of Texas. Defendant has appeared and answered.

476. Defendant, MATHESON TRI-GAS, INC. (“MATHESON”) is a foreign for-profit

corporation doing business in the state of Texas. Defendant has appeared and answered.

477. Defendant, ARC SPECIALTIES, INC. (“ARC”) is domestic for-profit corporation doing business in the State of Texas. Defendant has appeared and answered.

478. Defendant, AUTOMATION PLUS, INC. (“AUTOMATION PLUS”) is a domestic for-profit corporation doing business in the State of Texas. Defendant has appeared and answered.

479. Defendant, AUTOMATION PROCESS, INC. (“AUTOMATION PROCESS”) is a domestic for-profit corporation doing business in the State of Texas. Defendant has appeared and answered.

480. Defendant, DETCON, INC. F/K/A OLDHAM (“DETCON”) is a domestic for-profit corporation doing business in the State of Texas. Defendant has appeared and answered.

481. Defendant, TELEDYNE DETCON, INC. F/K/A DETCON, INC. (“TELEDYNE DETCON”) is a domestic for-profit corporation doing business in the State of Texas. Defendant has appeared and answered.

482. Defendant, TRCC, LLC (“TRCC”) is a domestic limited liability corporation doing business in the State of Texas. Defendant has appeared and answered.

483. Defendant, DATAONLINE, LLC (“DATAONLINE”) is a foreign limited liability company doing business in the State of Texas. Defendant has appeared and answered.

484. Defendant, 3M COMPANY (“3M”) is a foreign for-profit corporation doing business in the State of Texas. Defendant has appeared and answered.

485. Defendant, INDUSTRIAL SCIENTIFIC CORPORATION (“INDUSTRIAL”) is a foreign-for-profit corporation doing business in the State of Texas. Defendant has appeared and answered.

486. Defendant, TOTAL SAFETY U.S., INC. (“TOTAL SAFETY”) is a Foreign

For-Profit Corporation incorporated in the state of Delaware and doing business in the State of Texas. Total Safety may be served with process through its registered agent, C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201, or wherever they are found.

487. Defendant NADER SALIM (“SALIM”) is a resident of Fort Bend County, Texas. Defendant Salim may be served with process at 3303 Falling Brook Court, Sugar Land, Texas 77479, or wherever he may be found.

488. All Defendants are collectively referred to as “MDL Defendants.”

489. Plaintiffs specifically invoke the right to institute this lawsuit against whatever entities were conducting business using the assumed and/or common names of the MDL Defendants during the events described in this petition and/or at any time relevant to the events put forth in this petition. Plaintiffs expressly invoke their right under Rule 28 of the Texas Rules of Civil Procedure to have the correct names of these parties substituted later upon the motion from any party or the Court.

II. JURISDICTION

A. SUBJECT MATTER JURISDICTION

490. None of the MDL Defendants have contested subject matter jurisdiction.

491. Plaintiffs are citizens of the State of Texas at all times relevant to this case.

492. Watson Valve, Watson Grinding, Western, ARC, TRCC, Detcon, Teledyne Detcon, Automation Plus, Inc. and Automation Process, Inc. (collectively “Automation Defendants”), are incorporated in Texas and their principal places of business are in Texas.

493. Defendant Matheson and Defendant Total Safety are incorporated in Delaware and their principal place of business is in Texas.

494. DataOnline, 3M, and Industrial are foreign entities. Defendant DataOnline is incorporated in New Jersey and its principal place of business is in New Jersey. Defendant 3M is a Delaware Corporation with its principal place of business in Minnesota. Defendant Industrial is a Pennsylvania Corporation with its principal place of business in Pennsylvania.

495. The amount in controversy is in excess of \$75,000 and there is a lack of diversity between the parties. Therefore, removal on the basis of diversity jurisdiction would be improper.

B. PERSONAL JURISDICTION

496. None of the MDL Defendants have contested personal jurisdiction.

497. MDL Defendants purposefully availed themselves to business dealings in the State of Texas and could reasonably expect to respond to complaints therein. MDL Defendants' purposeful availment of the benefit and protection of the laws of Texas is sufficient to support the proper exercise of personal jurisdiction over MDL Defendants.

498. Watson Grinding and Watson Valve, Western, Matheson, ARC, TRCC, Detcon, TeledyneDetcon, Total Safety, Defendant Salim, and the Automation Defendants purposefully availed themselves to Texas because they are incorporated in and/or their principal places of business are located in Texas. Further, because these MDL Defendants' actions related to this explosion occurred in Texas, personal jurisdiction over them is appropriate and Constitutional.

499. Defendants DataOnline, 3M, and Industrial purposefully availed themselves to Texas. 3M owned defendant Detcon at all relevant times to this lawsuit. Detcon employees in Texas used 3M email addresses while interacting with Watson Grinding and Watson Valve regarding the service, maintenance and repair of the sensors for the propylene system at Watson Grinding's and Watson Valve's facility located in Houston, Texas. As part of this work, 3M designed and manufactured products that were shipped to Texas and sold to Watson, through Detcon, for

installation at WatsonGrinding and Watson Valve's facility. As a result, 3M purposefully availed itself to Texas because it derived profits from servicing and maintaining the sensors to the propylene system at Watson and it shipped and sold products to Texas for the service, maintenance and repair of the propylenesystem at Watson Grinding's and Watson Valve's facility, and as a result, a nexus exists between 3M's actions and the explosion.

500. DataOnline purposefully availed itself to Texas because it sells its telemetry equipment in the State of Texas and provides monitoring services of tank levels in Texas. Further it was paid to perform these very services for the propylene tank and system at the premises where the subject explosion occurred. A nexus exists between DataOnline's contacts with Texas and the explosion because evidence exists that the propylene levels in the tank decreased significantly between January 23, 2020, and January 24, 2020, such that warnings and alarms should have issued and sounded, but none did and DataOnline was responsible for monitoring the propylene levels in the tank.

501. Industrial purposefully availed itself to Texas because it targets the Texas market for the sale and use of its gas monitors. To do so, Industrial advertises, markets, sells, ships and installs its gas monitors to and in Texas. This includes the gas monitors that were present at the premises where the subject explosion occurred. A nexus exists between Industrial's contacts with Texas and the explosion because gas monitors it shipped to and sold to Texas caused and/or contributed to causing the subject explosion, as described below, because they failed to identify the propylene leak and to send an alarm that a potentially catastrophic condition existed and needed to be immediately addressed.

502. Consequently, subject matter jurisdiction exists over 3M, DataOnline and Industrial.

III.
VENUE

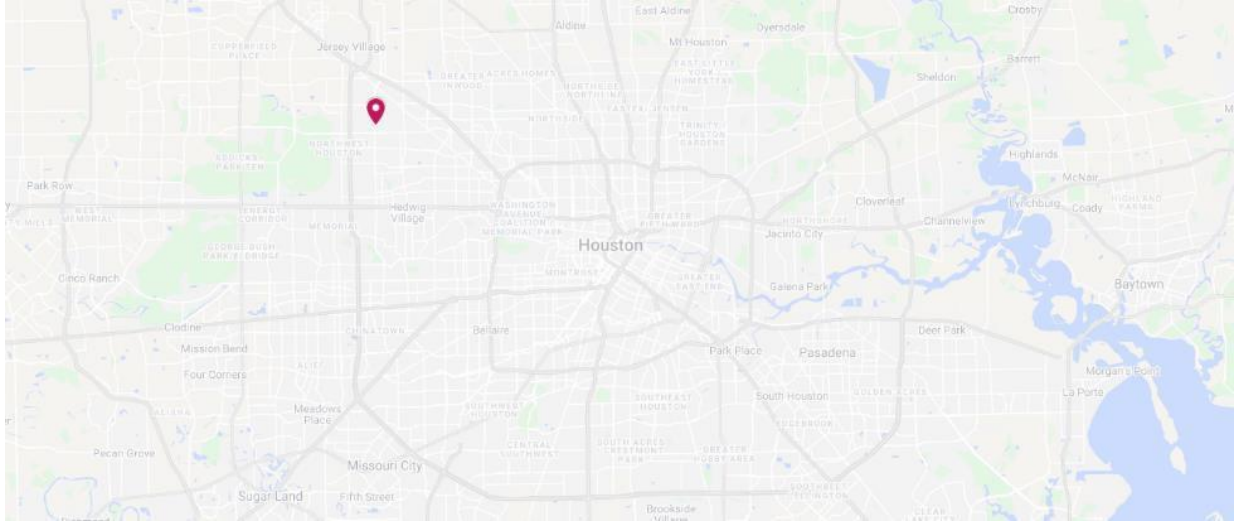
503. None of the MDL Defendants have contested venue.

504. Venue is proper in Harris County pursuant to Texas Civil Practice and Remedies Code sections 15.002(a)(1) and (a)(3), because it is the county where a substantial part of the events giving rise to this case occurred and because the principal place of business for Watson Grinding, Watson Valve, Total Safety, and ARC are all located in Harris County. Additionally, under Texas Civil Practice and Remedies Code section 15.005, venue is proper as to one MDL Defendant it is proper for all MDL Defendants.

IV.
FACTUAL BACKGROUND

505. The facility at issue was comprised of a number of structures and was constructed between Gessner Road and Steffani Lane (collectively referred to as “Subject Premises”). The Subject Premises are centrally located in Houston at:

- a. 4525 Gessner Road, Houston, Texas 77041 (Leased by Watson Grinding, used by Watson Grinding and Watson Valve);
- b. 4512 Steffani Drive, Houston, Texas 77041 (valve shop building owned by 4512 Steffani Property, leased by Watson Valve);



- c. 4522 Steffani Lane, Houston, Texas 77041 (coatings building owned by WatsonGrinding, used by Watson Grinding and Watson Valve);
- d. 4606 #2 Steffani Lane, Houston, Texas 77041 (ball lapping building owned by Betty S. Watson, leased by Watson Grinding); and
- e. 4606 Steffani Lane, Houston, Texas 77041 (CNC building leased by WatsonGrinding).



Pre and Post explosion aerial photos of Coating building (left) and ball lapping building/machine shop (right) with Propylene pipe remains highlighted in yellow. (Propylene piping denoted in the Pre-incident photo in red)

506. Pertinent to the issues in this case, located on the property was a storage tank that stored propylene. The propylene tank supplied propylene to the “Coating Building” through a piping system. (See Propylene piping system annotated in the above photographs for reference).

507. Watson Valve used the Coating Building located at 4522 Steffani Lane, Houston, Texas 77041. According to the Watson Valve “Process Flow Chart,” the coating department in the Coating Building was an integral part of Watson Valve’s operation, and the use of propylene was an essential part of its operation of coating and finishing ball valves and other parts that are most commonly used in the oil field.

508. Organizational charts for both Watson Valve and Watson Grinding show key common employees of both entities. Additionally, both Watson Grinding and Watson Valve had “Watson Internal Specifications” that relied on the use of propylene.

509. In the early morning hours of Friday, January 24, 2020, a massive explosion rocked the city of Houston awake.

510. The explosion resulted in widespread destruction and caused fatalities and countless injuries, destroyed numerous homes and caused significant damage to hundreds of homes. The explosion was so violent that the Houston Chief of Police, Art Acevedo, labeled the site and surrounding areas a “disaster area.”

511. Propylene was identified as the chemical involved in the explosion, because telemetry readings from the propylene tank indicated a significant loss of propylene from January 23, 2020, to January 24, 2020. Propylene is an extremely flammable gas that can explode when mixed with air. Despite the dangerous condition created by the leaking propylene,

no evidence exists that any alarms sounded before the explosion to warn anyone of the leaking propylene.

512. The 2,000-gallon tank of the volatile propylene gas at the Subject Premises was connected to a piping system that supplied propylene to spray rooms where it was used in the Watson Grinding and Watson Valve manufacturing processes.

513. This 2,000-gallon tank of propylene gas was located in very close proximity to hundreds of homes and businesses.



514. In early 2010, Matheson acquired Western. Matheson is the largest subsidiary of Taiyo Nippon Sanso Corporation. Taiyo Nippon Sanso Corporation is one of the top five global producers of industrial and specialty gases and is headquartered in Japan.

515. Matheson had a Product Supply Agreement with Watson Grinding (“Watson-Matheson Agreement”) effective June 2017 to provide propylene to the Subject Premises. Matheson had a previous Propylene Supply Agreement with Western (“2012 Supply Agreement”) effective from July 2012 to June 2017 for Western to provide propylene on behalf of Matheson. The 2012 Supply Agreement automatically renewed each year after the first three-year term unless terminated according to its provisions. Upon information and belief, neither party had terminated the 2012 Supply Agreement, and it was in effect in 2020 when the explosion occurred.

516. Under the terms of the Watson-Matheson Agreement, Matheson was required to install a bulk storage system, including any safety and control apparatus, telemetry systems, and low temperature device, vaporization equipment (“System”). Watson-Matheson Agmt. ¶4(a). Matheson retained title to the System at all times, as well as the authority to “remove the System(s)at [Watson Grinding’s] expense without notice or consent,” and to make “additions and/or modifications to the System” if, “in [Matheson’s] opinion,” such modifications were “required orthe system should be relocated ...” after Watson Grinding was provided an “opportunity to comment” or to make the additions, modifications, or relocation at Watson Grinding’s expense. *Id.* ¶4(c) & (d). Matheson was contractually obligated to conduct an annual safety inspection of The System. *Id.* ¶4(a)(3). The purpose of The System was to monitor for any leaked propylene gas. The Watson-Matheson Agreement gives Matheson the right to refuse delivery if the Subject Premises are considered unsatisfactory, unsafe or in violation of the law. *Id.* ¶3(b).

517. Matheson subcontracted with its subsidiary, Western, to install The System at the SubjectPremises. Western made deliveries of propylene from the time of the contract between Watson Grinding and Matheson until the week of the explosion. Matheson and Western expressly acknowledged: (a) the necessity of “us[ing] best efforts to comply with all applicable recommendations of the Compressed Gas Association and all government rules, regulations, statutes and ordinances;”¹ (b) “full knowledge of the hazards associated with the storage, use, handling, transport and filling of cylinders with [propylene];” and (c) the duty to warn Matheson’s “employees and independent contractors of all such hazards.” 2012 Supply Agmt. ¶¶3, 9(c) & 13. The 2012 Supply Agreement also memorialized numerous contractual duties that Matheson had undertaken in the Matheson-Watson Agreement and Western agreed to provide on Matheson’s

behalf with respect to each “Consuming Location,” including the Watson site. *Id.* ¶5 & Addendum as to propylene, Western retained ownership and title to all “equipment needed for the storage, control and vaporization of the [propylene].” *Id.* ¶¶4-5. Western was also specifically obligated: to comply with rules and regulations regarding propylene storage, use, handling and transport; to furnish a site with the equipment needed for the safe distribution of propylene; to provide and install the necessary equipment in good repair and operating condition; to inspect the Subject Tank owned by Matheson; and to take all safety precautions and comply with all applicable regulations and requirements for propylene distribution. *Id.* at ¶¶4-6. Western and Matheson retained control over the Subject Tank and equipment necessary to the delivery and acceptance of propylene to the Subject Tank on the Watson site. Western and Matheson were contractually bound by the Watson-Matheson and 2012 Supply Agreements to ensure a safety program for the ultimate customer, Watson Grinding.

518. On August 29, 2018, Western and Matheson were put on notice via email communication about a substantial leak in the piping system at the Subject Premises. Watson Grinding had reached out to Defendant Matheson’s sales representative, Carrie Walker, seeking advice regarding the adequacy of their propylene system. Specifically, Watson Grinding was inquiring to see if a certain pipe material was adequate for fixing the leak.

519. After hearing of a substantial leak in the piping system, neither Western nor Matheson exercised their contractual right/obligation to refuse delivery. Instead, they continued making deliveries to the Subject Premises. Neither Defendant Matheson nor Defendant Western took any steps to address the leak reported to them at the Subject Premises, despite their individual duties of care, both under contract and common law.

520. The propylene that was the combustible gas involved in this explosion was

stored in a 2,000-gallon tank that was contractually owned by Western and was serviced, maintained, and filled by Western. The geographical location of the 2,000-gallon propylene tank (“Subject Tank”) was 4606 Steffani Lane, Houston, Texas 77041.

521. Western and Matheson both had knowledge or reason to believe that the system to which their Propylene tank was attached, was unsafe in violation of the Texas Railroad Commission Chapter 9, LP Gas Safety Rules §9.135 *Unsafe or Unapproved Containers, Cylinders, or Piping* which states:

“a licensee or the licensee’s employees shall not introduce LP-gas into any container or cylinder if the licensee or employee has knowledge or reason to believe that such container, cylinder, piping, or the system or the appliance to which it is attached is unsafe or is not installed in accordance with the statutes or the LP-Gas Safety Rules.”²

522. Western and Matheson both exercised control over The System and the Subject Tank.

523. Matheson performed a “Safety/Site Inspection” of the Subject Premises on March 26, 2019.

524. Western, through its contract with Matheson, delivered 1,067 gallons of propylene to the Subject Tank on January 20, 2020 and filled the tank to 85% capacity from 28% capacity.

525. As part of The System, Western and Matheson had monitoring equipment on the Subject Tank. However, the monitoring equipment was being severely underutilized for its capabilities.

526. Prior to replenishing the tank with propylene on January 20, 2020, the tank level had dropped to 30% and a warning signal was sent to both Western and Matheson. Western and Matheson were aware of the average daily usage of the customer and were aware of the average tank levels in their tank due to normal consumption.

527. During the 24-hour cycle beginning on January 23, 2020, at 00:53:54 a.m., the tank experienced a precipitous drop in levels from 67% to 38% at the time of the next reading on 00:53:54 a.m. on January 24, 2020. The next warning code was at a tank level reading of 20% at 4:26:39 a.m. on January 24, 2020.

528. Safeguards should have been working, but were not, that would have prevented and/or warned about the uncontrolled and unregulated leak of propylene. Each of the above-named Defendants were involved in the failure of these safeguards, which caused and/or contributed to causing the explosion and its widespread destruction. These include, but are not limited to, the design and installation of the propylene system, the inspection, maintenance, service and repair of the System and its sensors, and the failure of the monitors and alarms to warn of the leak once it existed.

529. The Automation Defendants designed and installed The System and its sensors. They also serviced and maintained The System over the years after it was initially installed.

530. The Coating Building, the seat of this explosion, was to be equipped with a number of iTrans sensors to monitor and detect flammable gas leaks. The sensors were placed at least four feet above the floor of the spray room at a height that is usually designed to detect a flammable gas that is lighter than air, such as hydrogen. Propylene is heavier than air. Upon detection of a leak in the spray room, a properly designed and maintained system is supposed to do, at a minimum, two things: (1) sound an audible alarm that would alert not only human beings present at 4525 Gessner Road, but also in the surrounding community; and (2) automatically cut off the supply of propylene to the piping system by way of the automatic shut off valve at a location upstream of the spray room.

531. The automatic shut off valve for the propylene supply system was located in close

proximity to the Watson Grinding and Watson Valve buildings, however, the valve had not been modified/engineered to shut down the supply of the propylene downstream in the event of unusual volume loss in The System.

532. Defendants Detcon and Teledyne Detcon, and Defendant Total Safety performed inspection, maintenance, testing and repair work on the propylene system and sensors in the spray room that are supposed to sound an alarm in the event oxygen levels are too low or combustible levels of gas are too high.

533. Defendant 3M exercised control over Defendants Detcon and Teledyne Detcon during some of the service and inspection work. These Defendants worked on the system within six (6) months of the explosion and should have known that the sensors in the Coating's Building were not optimally functioning to detect propylene.

534. The gas monitors in question that failed to identify the propylene leak and failed to issue an alarm were designed and manufactured by Defendant Industrial.

535. Defendant ARC serviced and maintained the control panels in the spray rooms, which are part of the warning system that failed to function properly on the date of the incident. Defendant TRCC and its principal, Defendant Salim, were Watson Grinding's safety, environmental and quality consultant at pertinent times.

536. Defendant Salim was not being paid by Watson Valve or anyone for work performed in his capacity as a safety, environmental and quality consultant for Watson Valve, and therefore he is classified as a volunteer/consultant for Watson Valve.

537. Additionally, Robert Kellogg was not paid by Watson Valve or anyone for work done in his capacity as Vice President of Manufacturing for Watson Valve and therefore Robert Kellogg is classified as a volunteer worker for Watson Valve. Included as volunteer workers of

Watson Valve are Alex Mendez, Gerardo Barrera, Julio Garza, Martin Moya, John Lichenstein, Rifka Abudaram, Hao D. Vo, Benito Sanchez, Jr., Rick Bell, Jason White, Mike Buckingham, Robert Wilkinson, Bill Morgan, David Dunn, and Matt Snow, each of whom was not paid by Watson Valve or anyone for work done in their respective capacities for Watson Valve.

538. Defendant, DataOnline, manufactured and sold the telemetry equipment for the propylenetank and was hired to monitor the propylene levels in the tank.

V.
CAUSES OF ACTION AGAINST WATSON GRINDING

A. NEGLIGENCE

539. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Watson Grinding committed acts and omissions, which collectively and separately constituted negligence. Watson Grinding had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. Watson Grinding breached that duty in one or more of the following ways:

- a. Failing to manage the uncontrolled and unregulated release of propylene originating from the Western and Matheson tanks;
- b. Failing to modify/engineer the automatic shut-off valve; and
- c. Other acts or omissions deemed negligent.

540. These breaches, among others, constituted negligence. Such negligence was a proximate cause of the occurrence in question and the injuries and damages sustained by Plaintiffs herein.

B. GROSS NEGLIGENCE

541. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts,

conduct, and/or omissions on the part of Watson Grinding, taken singularly or in combination, constituted gross negligence and were the proximate cause of Plaintiffs' injuries and damages.³ Watson Grinding's acts and/or omissions, when viewed objectively from Watson Grinding's standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Watson Grinding had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

VI.

CAUSES OF ACTION AGAINST WATSON VALVE

A. NEGLIGENCE

542. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Watson Valve committed acts and omissions, which collectively and separately constituted negligence. For the safety of the public and its employees, Watson Valve had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. Watson Valve breached that duty in one or more of the following ways:

- a. Failing to manage the uncontrolled and unregulated release of propylene originating from the Western and Matheson tanks;
- b. Failing to properly manage the propylene supply in a safe manner;
- c. Failing to ensure the propylene delivery system was in compliance with industry standard;
- d. Failing to modify/engineer the automatic shut off valve;
- e. Failure to ensure that all buildings with the potential for propylene exposure had properly working and/or properly calibrated LEL

monitors; and

f. Other acts or omissions deemed negligent.

543. These breaches, among others, constituted negligence. Such negligence was a proximate cause of the occurrence in question and the injuries and damages sustained by Plaintiffs herein.

B. NONDELEGABLE DUTY

544. Watson Valve is vicariously liable for the negligent acts/omissions of its volunteer, Nader Salim. The duty imposed on Watson Valve was based on a concern for public safety, and therefore it is a duty that Watson Valve cannot escape or delegate to a volunteer. Such negligence on the part of Salim in his capacity as a volunteer safety, environmental and quality consultant for Watson Valve was a proximate cause of the occurrence in question and the injuries and damages sustained by Plaintiffs herein. Plaintiffs' injuries were the proximate result of Nader Salim's negligence, and Nader Salim committed the actions and/or inactions while performing a nondelegable duty of Defendant Watson Valve.

C. GROSS NEGLIGENCE

545. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of the Watson Valve, taken singularly or in combination, constituted gross negligence and were the proximate cause of Plaintiffs' injuries and damages.⁴ Watson Valve's acts and/or omissions, when viewed objectively from the Watson Valve's standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Watson Valve had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate

cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

VII.
CAUSES OF ACTION AGAINST DEFENDANT MATHESON

A. NEGLIGENCE

546. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant Matheson committed acts and omissions, which collectively and separately constituted negligence. Defendant Matheson had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. Defendant Matheson breached that duty in one or more of the following ways:

- a. Failing to have properly functioning monitors and alarms on the tank to identify and shut down the flow of propylene in the event of a leak in the system;
- b. Failing to properly maintain, inspect and service the propylene tanks and piping on site to identify and prevent leaks;
- c. Delivering propylene to a facility without the capacity to safely store the delivered product;
- d. Failing to provide adequate training to its agents and employees relating to: proper functioning of monitors and alarms on the Subject Tank; proper maintenance, inspection, and service on the Subject Tank; compliance with governmental regulations and industry standards; warning of known hazards and dangerous conditions; and ensuring that The System and piping system were in safe and in compliance with all applicable laws, regulations, and industry standards;
- e. Failing to warn of a known hazard and dangerous condition;
- f. Violating governmental regulations and standards;
- g. Failing to recognize and remediate hazards with an extreme degree of risk;
- h. Failing to modify/engineer the automatic shut off valve;

- i. Failing to ensure that propylene was properly odorized;
- j. Failure to identify risks and adverse factors caused by an uncontrolled propylene release at the Subject Premises;
- k. Failure to conduct a risk assessment or site inspection of the Subject Premises and The System;
- l. Failing to cooperate with its customers to promote safe and secure use of its products;
- m. Failure to provide information on the dangers and risks applicable to the use of propylene;
- n. Failing to warn properly warn of foreseeable risks after it became clear that persons and properties were being exposed outside of a controlled industrial environment;
- o. Failure to investigate an incident of a substantial leak after being made aware that such a leak occurred;
- p. Failure to notify relevant departments and take appropriate action after being notified of a leak in the piping system at Watson Grinding in August of 2018;
- q. Failure to propose and implement counter measures to prevent accidents and occupational injuries;
- r. Failing to ensure that The System and subsequent piping system at the Subject Premises were safe and in compliance with all applicable laws and/or regulations; and
- s. Failing to comply with Chapter 9 of the Railroad Commission LP Gas Safety Rules, the Texas Natural Resource Code, the Texas Administrative Code, Title 58 of the National Fire Protection Association (“NFPA”), 49 C.F.R. 173.315, and the Occupational Safety and Health Administration.

547. Additionally, Defendant Matheson is negligent because it failed to act as a reasonably prudent supplier of propylene, related storage and safety equipment, and safety and inspection services would have acted in the same or similar circumstances based on industry standards. The same or similar circumstances take into account the contractual duties Matheson voluntarily undertook for Watson Grinding in designing, manufacturing, installing, maintaining, and inspecting the premises where it delivered propylene. Product stewardship reflects the standard of care implemented by the industry to ensure, among other things, the safe design, sale, delivery, testing, and use of products. Defendant Matheson's parent company, Taiyo Nippon Sanso Corporation adopted Guidelines and Policies on responsible care of volatile products throughout the products' lifetimes⁵ for their subsidiaries, including Matheson and therefore Western, as a subsidiary of Matheson:

- (2) In order to minimize the impact on human health and safety and global environment, identify risks and adverse factors caused by the products by conducting risk assessment through the life cycle of products and endeavor to reduce the risks by managing them based on the results.
- (3) In the case of any quality issue of product or service, immediately investigate a cause and take appropriate recurrence prevention measures and other similar actions.

Nipon Sanso Holdings Group Procurement Guidelines: Matters to be shared with our suppliers, Subparts 6(2)-(3).⁶

- (1) We are always mindful of safety in manufacture, development, import, storage, sales, transportation, export, maintenance, and repair of products, fully understand and comply with laws and safety standards concerning product safety, and aim to achieve a higher level of safety.
- (2) If we obtain information on product safety, we immediately investigate the factual relevance of such information. If any issue is identified, we notify relevant departments and sections and take appropriate actions.
- (3) We understand and comply with laws, regulations, etc. concerning occupational safety and health. In case of any occupational accident, we give priority to ensuring workplace safety and minimize the effect of accident, and ensure that we take prescribed procedures such as an immediate reporting to prevent a recurrence of such accident.
- (4) We grasp the materialized and potential risks concerning business activities, and ensure safety of employees and the society by proposing and implementing countermeasures to prevent accidents and occupation injuries.

Nipon Sanso Holdings Group Code of Conduct, Subparts 7 (1) – (4).⁷

- (2) We endeavor to fully provide information on usage conditions and usage environment and other information necessary for our customers to use and handle the products safely.
- (3) In the case of any quality issue of product, we immediately investigate a cause and take appropriate recurrence prevention measures, remedial measures, and other similar actions.

Nipon Sanso Holdings Group Code of Conduct, Subparts 9(2)-(3).⁸

6. Cooperate with customers, transportation companies, suppliers, agents, and contractors to promote safe and secure use, transport and disposal of products, and provide information on the dangers and risks applicable to such businesses and products.

Nipon Sanso Holdings Group Occupational Safety and Health/Industrial Safety Disaster Prevention Policy, sub. 6.⁹

548. These standards outlined by Matheson's parent company Taiyo Nippon Sanso implement well-known industry standards that are commonly accepted by companies that produce, sell, and deliver propylene, similar to Western and Matheson. These standards of care

demonstrate that Matheson did not act as a reasonably prudent company under the same or similar circumstances.

549. Chevron Phillips Chemical, an industry competitor company of Western and Matheson in the sale and supply of propylene, references their product stewardship and responsible care initiatives online, stating among other things that “Chevron Phillips Chemical is committed to Product Stewardship and doing business responsibly. We endeavor to provide sufficient information for the safe use and handling of all our products. To that end, Material Safety Data Sheet and certificate of analysis are provided to the customers. In addition, we have completed a Hazard and Exposure Risk Characterization (HERC) to evaluate the potential risks associated with the distribution and use of propylene.”¹⁰

550. Shell Global, another industry competitor company of Western and Matheson in the sale and supply of propylene, references their product stewardship and responsible care initiatives online, stating among other things that “Storage tanks must be clean, dry and rust free and protected from direct sunlight, ignition sources or other sources of heat. Vapours from the storage tank should not be released to the environment but controlled through a suitable vapour treatment system.... customers are limited to those who only use the product in closed systems as an intermediate for the manufacture of other chemicals. Proper equipment design and handling procedures maintain low risk from exposure to the product where the product is used as a chemical intermediate.”

551. This standard of care is not limited to Taiyo Nippon Sanso, Matheson, and Western, but rather it is a well-known and commonly accepted industry norm that defines the standard of care by which Defendants Western and Matheson’s conduct in selling and delivering hazardous chemicals and gases must be measured. This standard is reflected in the

agreements described above relating to Western and Matheson's obligations to one another, their ultimate customer, Watson Grinding, and third parties necessarily impacted by their failure to comply with those obligations. It is also reflected in NFPA 54 and 58, ASME B31, among other industry standards and "best practices."

552. Matheson discusses their culture of safety and responsible care regularly, including in employee training presentations and continuing education seminars, reiterating among other things:

"MATHESON's Culture of Safety
Our Safety program: Safety, Health, & Environment
Encompasses people, the community and the world in which we live.
It's about MATHESON, our customers, our suppliers, and our neighbors. It requires training, training and *more* training.
It means that every MATHESON employee is empowered to call out a safety issue – even at a customer site.
It involves the products we deliver, and how we help our customers use them. It involves the "It's a Culture of Safety First. *Always*." ¹²

553. Here, Defendant Matheson was negligent in violating the standard of care as outlined by the industry standards, including those standards relating to stewardship and care of its products, and compliance with the policies of its parent corporation—which are consistent with well-known and commonly accepted industry standards—in relation to the propylene at the Subject Premises, because it failed to promote safe and secure use of the propylene, provide adequate customer support, conduct adequate risk assessments, investigate previous issues, take appropriate prevention measures, provide appropriate maintenance services, inspection and site visits, and provide information and warnings about the propylene, the Subject Tank and/or piping. The failure to do so contributed to causing the release of propylene, the subsequent explosion, and Plaintiffs' injuries and damages contained herein.

554. These breaches, among others, constituted negligence. Such negligence was a

proximate cause of the occurrence in question and the injuries and damages sustained by Plaintiffs herein.

B. NEGLIGENCE PER SE

555. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of Defendant Matheson, taken singularly or in combination, constituted negligence per se and were the proximate cause of Plaintiffs' injuries and damages. Defendant Matheson's acts and/or omissions, violated Chapter 9 of the Railroad Commission LP Gas Safety Rules, the Texas Natural Resource Code, the Texas Administrative Code, Title 58 of the NFPA, 49 C.F.R. 173.315, and the Occupational Safety and Health Administration.

556. Plaintiffs individually and/or collectively were members of the class of persons that Chapter 9 of the Railroad Commission LP Gas Safety Rules, the Texas Natural Resource Code, the Texas Administrative Code, Title 58 of the NFPA, 49 C.F.R. 173.315, and the Occupational Safety and Health Administration were designed to protect, and the injuries and damages brought by Plaintiffs are injuries and damages that the regulations are meant to prevent.

C. PRODUCTS LIABILITY- MANUFACTURING DEFECT

557. Pursuant to Texas Civil Practice and Remedies Code Chapter 82.001(4), at all pertinent times Defendant Matheson was engaged in the business of designing, manufacturing, marketing, assembling, selling and/or otherwise placing The System into the stream of commerce.

558. Defects in the manufacture of The System rendered it defective and unreasonably dangerous in that it was prone to fail in the foreseeable course of use. In particular, the telemetry system was defectively manufactured and/or assembled by Defendant Matheson.

559. The System was used for its intended and foreseeable purpose.

560. The defective manufacturing and assembly of The System directly and proximately caused Plaintiffs' injuries and damages.

D. PRODUCTS LIABILITY- MARKETING DEFECT

561. Pursuant to Texas Civil Practice and Remedies Code Chapter 82.001(4), at all pertinent times Defendant Matheson was engaged in the business of designing, manufacturing, marketing, assembling, selling and/or otherwise placing The System into the stream of commerce.

562. Defendant Matheson knew that defects in the marketing of The System rendered it unreasonably dangerous in that it was prone to fail in the foreseeable course of use. In particular, the telemetry system was defectively marketed by Defendant Matheson.

563. Defendant Matheson failed to give adequate and proper warnings and instructions regarding the dangers of The System, which rendered The System defective and unreasonably dangerous and was a producing cause of the injuries to Plaintiffs.

564. Defendant Matheson failed to provide adequate warnings regarding the latent defects in The System, including but not limited to defects in the telemetry system and the lack of coordination with the shut off devices, which rendered The System defective and unreasonably dangerous and was a producing cause of injuries to Plaintiff.

565. The System was used for its intended and foreseeable purpose.

566. The defective marketing of The System directly and proximately caused Plaintiffs' injuries and damages.

E. PRODUCTS LIABILITY- DESIGN DEFECT

567. Incorporating by reference the above paragraphs, The System was originally

designed, manufactured, sold, assembled, installed and maintained by Defendant Matheson. At the time TheSystem was sold, Defendant Matheson was in the business of designing, manufacturing, selling, assembling, and/or otherwise placing systems, such as The System in question, into the stream ofcommerce.

568. At the time The System was designed, manufactured, assembled, and constructed by Defendants, it was defective in design and unreasonably dangerous. The defective and unreasonably dangerous condition of The System was a direct and proximate cause of the damages to Plaintiffs.

569. The defects regarding The System include but are not limited to the telemetry system andlack of coordination with the shut off devices.

570. Such alternative designs for the defects of The System were available in the market and were technologically and economically feasible at the time The System was designed, manufactured, and assembled. Such alternative designs would not have impaired the utility of The System.

571. At the time of the incident made the basis of this lawsuit, The System was in the same or substantially similar condition as it was at the time Defendant Matheson and Western manufactured it.

572. As a direct and proximate result of the failure of Defendant Matheson to properly design, sell, assemble, and deliver The System, Plaintiffs suffered severe personal injuries, property damage, and compensable injuries.

F. GROSS NEGLIGENCE

573. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of Defendant Matheson, taken singularly or in combination,

constituted gross negligence and were the proximate cause of Plaintiffs' injuries and damages.

574. Among other issues, Matheson had a Product Supply Agreement with Watson Grinding ("Watson-Matheson Agreement") effective June 2017 to provide propylene to the Subject Premises. Matheson had a previous Propylene Supply Agreement with Western ("2012 Supply Agreement") effective since July 2012 for Western to provide propylene on behalf of Matheson. The 2012 Supply Agreement automatically renewed each year after the first three-year term unless terminated according to its provisions. Upon information and belief, neither party had terminated the 2012 Supply Agreement, and it was in effect in 2020 when the explosion occurred under the terms of the Watson-Matheson Agreement, Matheson was required to install a bulk storage system, including any safety and control apparatus, telemetry systems, and low temperature device, vaporization equipment ("System"). Watson-Matheson Agmt. ¶4(a). Matheson retained title to the System at all times, as well as the authority to "remove the System(s) at [Watson Grinding's] expense without notice or consent," and to make "additions and/or modifications to the System" if, "in [Matheson's] opinion," such modifications were "required or the system should be relocated ..." after Watson Grinding was provided an "opportunity to comment" or to make the additions, modifications, or relocation at Watson Grinding's expense. *Id.* ¶4(c) & (d). Matheson was contractually obligated to conduct an annual safety inspection of The System. *Id.* ¶4(a)(3). The purpose of The System was to monitor for any leaked propylene gas. The Watson-Matheson Agreement gives Matheson the right to refuse delivery if the Subject Premises are considered unsatisfactory, unsafe or in violation of the law. *Id.* ¶3(b).

574. Matheson subcontracted with its subsidiary, Western, to install The System at the Subject Premises. Western made deliveries of propylene from the time of the contract between Watson Grinding and Matheson until the week of the explosion. Matheson and Western expressly

acknowledged: (a) the necessity of “us[ing] best efforts to comply with all applicable recommendations of the Compressed Gas Association and all government rules, regulations, statutes and ordinances;”¹⁴ (b) “full knowledge of the hazards associated with the storage, use, handling, transport and filling of cylinders with [propylene];” and (c) the duty to warn Matheson’s “employees and independent contractors of all such hazards.” 2012 Supply Agmt. ¶¶3, 9(c) & 13. The 2012 Supply Agreement also memorialized numerous contractual duties that Matheson had undertaken in the Matheson-Watson Agreement and Western agreed to provide on Matheson’s behalf with respect to each “Consuming Location,” including the Watson site. *Id.* ¶5 & Addendum as to propylene, Western retained ownership and title to all “equipment needed for the storage, control and vaporization of the [propylene].” *Id.* ¶¶4-5. Western was also specifically obligated: to comply with rules and regulations regarding propylene storage, use, handling and transport; to furnish a site with the equipment needed for the safe distribution of propylene; to provide and install the necessary equipment in good repair and operating condition; to inspect the Subject Tank owned by Matheson; and to take all safety precautions and comply with all applicable regulations and requirements for propylene distribution. *Id.* at ¶¶4-6. Western and Matheson retained control over the Subject Tank and equipment necessary to the delivery and acceptance of propylene to the Subject Tank on the Watson site. Western and Matheson were contractually bound by the Watson-Matheson and 2012 Supply Agreements to ensure a safety program for the ultimate customer, Watson Grinding.

575. On August 29, 2018, Western and Matheson were put on notice via email communication about a substantial leak in the piping system at the Subject Premises. Watson Grinding had reached out to Defendant Matheson’s sales representative, Carrie Walker, seeking advice regarding the adequacy of their propylene system. Specifically, Watson Grinding was

inquiring to see if a certain pipe material was adequate for fixing the leak.

576. After hearing of a substantial leak in the piping system, neither Western nor Matheson exercised their contractual right/obligation to refuse delivery. Instead, they continued making deliveries to the Subject Premises. Neither Defendant Matheson nor Defendant Western took any steps to address the leak reported to them at the Subject Premises, despite their individual duties of care, both under contract and common law.

577. Defendant Matheson's acts and/or omissions, when viewed objectively from Defendant Matheson's standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendant Matheson had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

VIII.

CAUSES OF ACTION AGAINST DEFENDANT WESTERN

A. NEGLIGENCE

578. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant Western committed acts and omissions, which collectively and separately constituted negligence. Defendant Western had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. Defendant Western breached that duty in one or more of the following ways:

- a. Failing to have properly functioning monitors and alarms on the tank to identify and shut down the flow of propylene in the event of a leak in the system;

- b. Failing to properly maintain, inspect and service the propylene tanks and piping on site to identify and prevent leaks;
- c. Delivering propylene to a facility without the capacity to safely store the delivered product;
- d. Failing to warn of a known hazard and dangerous condition;
- e. Failing to properly warn of foreseeable risks after it became clear that persons and properties were being exposed outside of a controlled industrial environment;
- f. Violating governmental regulations and standards;
- g. Failing to recognize and remediate hazards with an extreme degree of risk;
- h. Failing to provide adequate training to its agents and employees relating to: proper functioning of monitors and alarms on the Subject Tank; proper maintenance, inspection, and service on the Subject Tank; compliance with governmental regulations and industry standards; warning of known hazards and dangerous conditions; and ensuring that The System and piping system were in safe and in compliance with all applicable laws, regulations, and industry standards;
- i. Failing to modify/engineer the automatic shut off valve;
- j. Failing to ensure that propylene was properly odorized;
- k. Failing to ensure that The System and subsequent piping system at the Subject Premises were safe and in compliance with all applicable laws and/or regulations; and
- l. Failing to comply with NFPA and other industry standards.

579. Additionally, Defendant Western is negligent because it failed to act as a reasonably prudent supplier of propylene, related storage and safety equipment, and safety and inspection services in the same or similar circumstances. The same or similar circumstances take into account the contractual duties Western voluntarily undertook as part of its agreement with Matheson and on behalf of Watson Grinding in designing, manufacturing, installing, maintaining, and inspecting the premises where it delivered propylene. Western failed to comply with industry standards of

care, which include but are not limited to well-known and commonly accepted industry product stewardship standards that ensure, among other things, the safe design, sale, delivery, testing, and use of products. Defendant Matheson's parent company, Nipon Sanso Holdings, adopted Guidelines and Policies on responsible care of volatile products throughout the products' lifetimes¹⁵ for their subsidiaries, including Matheson and therefore Western, as a wholly owned subsidiary of Matheson. These guidelines and policies replicate well-known and commonly accepted practices of others in the industry, including NFPA 54 and 58, ASME B31, and the stewardship policies of Chevron Phillips Chemical and Shell Global, among other industry standards and "best practices." These standards are also reflected in the agreements described above relating to Western and Matheson's obligations to one another, their ultimate customer, Watson Grinding, and third parties necessarily impacted by their failure to comply with those obligations. These reflect the industry-wide standard of care and demonstrate that Western did not act as a reasonably prudent company under the same or similar circumstances.

580. Here, Defendant Western was negligent in failing to adhere to well-known and commonly accepted industry standards of care, and in failing to comply with the policies of its parent corporation—which are consistent with industry standards—in relation to the propylene at the Subject Premises because it failed to: promote safe and secure use of the propylene, provide adequate customer support, conduct adequate risk assessments, investigate previous issues, take appropriate prevention measures, provide appropriate maintenance services, inspection and site visits, and provide information and warnings about the propylene, its tank and/or piping.¹⁶

581. The failure to do so contributed to causing the release of propylene, the subsequent explosion, and Plaintiffs' injuries and damages contained herein.

582. These breaches, among others, constituted negligence. Such negligence was a

proximate cause of the occurrence in question and the injuries and damages sustained by Plaintiffs herein.

B. NEGLIGENCE PER SE

583. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of Defendant Western taken singularly or in combination, constituted negligence per se and were the proximate cause of Plaintiffs' injuries and damages. Defendant Western's acts and/or omissions, violated the Texas Natural Resource Code, the Texas Administrative Code, Title 58 of the NFPA, 49 C.F.R. 173.315, and the Occupational Safety and Health Administration.

584. Plaintiffs individually and/or collectively were members of the class of persons that the Texas Natural Resource Code, the Texas Administrative Code, Title 58 of the National Fire Protection Association, 49 C.F.R. 173.315, and the Occupational Safety and Health Administration were designed to protect, and the injuries and damages brought by Plaintiffs are injuries and damages that the regulations are meant to prevent.

C. PRODUCTS LIABILITY- MANUFACTURING DEFECT

585. Pursuant to Texas Civil Practice and Remedies Code Chapter 82.001(4), at all pertinent times Defendant Western was engaged in the business of designing, manufacturing, marketing, assembling, selling and/or otherwise placing The System into the stream of commerce.

586. Defects in the manufacture of The System rendered it defective and unreasonably dangerous in that it was prone to fail in the foreseeable course of use. In particular, the telemetry system was defectively manufactured and/or assembled by Defendant Western.

587. The System was used for its intended and foreseeable purpose.

588. The defective manufacturing and assembly of The System directly and proximately

caused Plaintiffs' severe personal injuries, property damage, and other compensable injuries.

D. PRODUCTS LIABILITY- MARKETING DEFECT

589. Pursuant to Texas Civil Practice and Remedies Code Chapter 82.001(4), at all pertinent times Defendant Western was engaged in the business of designing, manufacturing, marketing, assembling, selling and/or otherwise placing The System into the stream of commerce.

590. Defendant Western's defects in the marketing of The System rendered it unreasonably dangerous in that it was prone to fail in the foreseeable course of use. In particular, the telemetry system was defectively marketed by Defendant Western.

591. Defendant Western failed to give adequate and proper warnings and instructions regarding the dangers of The System, failure which rendered The System defective and unreasonably dangerous, and was a producing cause of the injuries to Plaintiffs.

592. Defendant Western failed to provide adequate warnings regarding the latent defects in The System, including but not limited to defects in the telemetry system and the lack of coordination with the shut off devices, which rendered The System defective and unreasonably dangerous, and was a producing cause of injuries to Plaintiff.

593. The System was used for its intended and foreseeable purpose.

594. The defective marketing of The System directly and proximately caused Plaintiffs' injuries and damages.

E. PRODUCTS LIABILITY- DESIGN DEFECT

595. Incorporating by reference the above paragraphs, The System was originally designed, manufactured, sold, assembled, installed and maintained by Defendant Western. At the time The System was constructed, these Defendants were in the business of designing, manufacturing, selling, assembling, and/or otherwise placing systems, such as The System in

question, into the stream of commerce.

596. At the time The System was designed, manufactured, assembled, and constructed by Defendant Western, it was defective in design and unreasonably dangerous. The defective and unreasonably dangerous condition of The System was a direct and proximate cause of the damages to Plaintiffs.

597. The defects regarding The System include but are not limited to the telemetry system and lack of coordination with the shut off devices.

598. Such alternative designs for the defects of The System were available in the market and were technologically and economically feasible at the time The System was designed, manufactured, and assembled. Such alternative designs would not have impaired the utility of The System.

599. At the time of the incident made the basis of this lawsuit, The System was in the same or substantially similar condition as it was at the time it Defendant Western's constructed it.

600. As a direct and proximate result of the failure of Defendant Western to properly design, sell, assemble, and deliver The System, Plaintiffs suffered severe personal injuries, property damage, and other compensable injuries.

F. GROSS NEGLIGENCE

601. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of Defendant Western taken singularly or in combination, constituted gross negligence and were the proximate cause of Plaintiffs' injuries and damages.¹⁷

602. Among other things, Matheson had a previous Propylene Supply Agreement with Western ("2012 Supply Agreement") effective since July 2012 for Western to provide propylene on behalf of Matheson. The 2012 Supply Agreement automatically renewed each year after the first

three- year term unless terminated according to its provisions. Upon information and belief, neither party had terminated the 2012 Supply Agreement, and it was in effect in 2020 when the explosion occurred.

603. Under the terms of the Watson-Matheson Agreement, Matheson was required to install a bulk storage system, including any safety and control apparatus, telemetry systems, and low temperature device, vaporization equipment (“System”).

604. Matheson subcontracted with its subsidiary, Western, to install The System at the Subject Premises. Western made deliveries of propylene from the time of the contract between Watson Grinding and Matheson until the week of the explosion. Matheson and Western expressly acknowledged: (a) the necessity of “us[ing] best efforts to comply with all applicable recommendations of the Compressed Gas Association and all government rules, regulations, statutes and ordinances;”¹⁸ (b) “full knowledge of the hazards associated with the storage, use, handling, transport and filling of cylinders with [propylene];” and (c) the duty to warn Matheson’s “employees and independent contractors of all such hazards.” 2012 Supply Agmt. ¶¶3, 9(c) & 13. The 2012 Supply Agreement also memorialized numerous contractual duties that Matheson had undertaken in the Matheson-Watson Agreement and Western agreed to provide on Matheson’s behalf with respect to each “Consuming Location,” including the Watson site. *Id.* ¶5 & Addendum as to propylene, Western retained ownership and title to all “equipment needed for the storage, control and vaporization of the [propylene].” *Id.* ¶¶4-5. Western was also specifically obligated: to comply with rules and regulations regarding propylene storage, use, handling and transport; to furnish a site with the equipment needed for the safe distribution of propylene; to provide and install the necessary equipment in good repair and operating condition; to inspect the Subject Tank owned by Matheson; and to take all safety precautions and comply with all applicable regulations

and requirements for propylene distribution. *Id.* at ¶¶4-6. Western and Matheson retained control over the Subject Tank and equipment necessary to the delivery and acceptance of propylene to the Subject Tank on the Watson site. Western and Matheson were contractually bound by the Watson-Matheson and 2012 Supply Agreements to ensure a safety program for the ultimate customer, Watson Grinding.

605. On August 29, 2018, Western and Matheson were put on notice via email communication about a substantial leak in the piping system at the Subject Premises. Watson Grinding had reached out to Defendant Matheson's sales representative, Carrie Walker, seeking advice regarding the adequacy of their propylene system. Specifically, Watson Grinding was inquiring to see if a certain pipe material was adequate for fixing the leak.

606. After hearing of a substantial leak in the piping system, neither Western nor Matheson exercised their contractual right/obligation to refuse delivery. Instead, they continued making deliveries to the Subject Premises. Neither Defendant Matheson nor Defendant Western took any steps to address the leak reported to them at the Subject Premises, despite their individual duties of care, both under contract and common law.

607. Prior to the incident occurring, Defendant Western was aware that there was a significant volume loss of what they indisputably knew was a highly volatile and combustible gas leaking from a 2,000 gallon tank located within very close proximity to hundreds of homes and businesses. This volume loss would have been similar to a propylene leak that previously occurred at the Subject Premises in 2018. Defendant Western was contacted regarding the prior leak and concerns about the adequacy of the piping system. Defendant Western took no steps to address the 2018 leak reported to them at the Subject Premises.

608. Defendant Western's acts and/or omissions, when viewed objectively from

Defendant Western's standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendant Western had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

IX.

CAUSES OF ACTION AGAINST THE AUTOMATION DEFENDANTS

A. NEGLIGENCE

609. Incorporating by reference the above paragraphs, at the time and on the occasion in question, the Automation Defendants committed acts and omissions, which collectively and separately constituted negligence. The Automation Defendants had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. The Automation Defendants individually and/or collectively breached that duty in one or more of the following ways:

- a. Failing to properly design and install the propylene system, including its monitors and sensors;
- b. Failing to properly service, inspect, maintain, and repair the propylene system, sensors and its piping, to prevent, identify, and warn about leaks;
- c. Failing to recognize and remediate hazards with an extreme degree of risk; and
- d. Other acts or omissions deemed negligent.

B. GROSS NEGLIGENCE

610. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of the Automation Defendants constituted gross negligence and are the proximate cause of Plaintiffs' injuries and damages.¹⁹ The Automation Defendants' acts and/or omissions, when viewed objectively from the Automation Defendants' standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. The Automation Defendants had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

X.

CAUSES OF ACTION AGAINST DETCON, TELEDYNE DETCON AND 3M

A. NEGLIGENCE

611. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendants, Detcon, Teledyne Detcon and 3M committed acts and omissions, which collectively and separately constituted negligence. These Defendants had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. These Defendants individually and/or collectively breached that duty in one or more of the following ways:

- a. Failing to properly service, inspect, maintain, test and repair the propylene system and its piping, sensors and alarms to prevent leaks, identify leaks and in the event of a leak to issue warnings and shut down the system;
- b. Failing to modify/engineer the automatic shut off valve;
- c. Failing to recognize and remediate hazards with an extreme degree of

risk;and

d. Other acts or omissions deemed negligent.

B. NEGLIGENT INSPECTION

612. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendants, Detcon, Teledyne Detcon, and 3M committed acts and omissions, which collectively and separately constituted negligence in the inspection of the gas monitors that they regularly services. These Defendants had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. These Defendants individually and/or collectively breached that duty when the gas monitors and piping system were not inspected in a manner that a reasonably prudent person in the same or similar circumstances would have inspected them. As a direct and proximate result of the Defendants' negligent inspection of the subject monitors, Plaintiffs suffered severe injuries and damages.

C. NEGLIGENT SERVICE

613. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendants, Detcon, Teledyne Detcon and 3M committed acts and omissions, which collectively and separately constituted negligence in the service of the gas monitors that they regularly serviced. These Defendants had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. These Defendants individually and/or collectively breached that duty when the gas monitors and piping system were not serviced in a manner that a reasonably prudent person in the same or similar circumstances would have performed service. As a direct and proximate result of the Defendants' negligent service of the subject monitors, Plaintiffs suffered severe injuries and

damages.

D. NEGLIGENT CALIBRATION

614. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendants, Detcon, Teledyne Detcon and 3M committed acts and omissions, which collectively and separately constituted negligence in the calibration of the gas monitors that they regularly calibrated. These Defendants had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. These Defendants individually and/or collectively breached that duty when the gas monitors and piping system were not calibrated in a manner that a reasonably prudent person in the same or similar circumstances would have calibrated them. As a direct and proximate result of the Defendants' negligent calibration of the subject monitors, Plaintiffs suffered severe injuries and damages.

E. PRODUCTS LIABILITY—DESIGN DEFECT

615. Incorporating by reference the above paragraphs, gas monitors that were installed to detect propylene levels at the premises were originally designed, manufactured, sold, installed and maintained by Defendants, Detcon, Teledyne Detcon and 3M. At the time the monitors were sold, these Defendants were in the business of designing, manufacturing, selling, and/or otherwise placing monitors, such as the monitors in question, in the stream of commerce.

616. At the time the subject monitors were designed, manufactured and sold by Defendants, they were defective in design and unreasonably dangerous. The defective and unreasonably dangerous condition of the monitors were a direct and proximate cause of the damages to Plaintiffs.

617. The defects regarding the monitors include but are not limited to the ability to turn

off the alarm, which is supposed to sound and shut down the flow of propylene in the event of a leak. Safer alternative designs existed other than the one used, which were economically and technologically feasible and would have prevented or significantly reduced the risk of accident and/or injury in question without substantially impairing the monitors utility. Specifically, Defendant could have designed the monitors so that the alarm could not be turned off and disabled.

618. Such alternative designs for the above identified defects were available in the market and were technologically and economically feasible at the time the monitors were designed and manufactured and would not have impaired the utility of the subject gas monitors.

619. At the time of the incident made the basis of this lawsuit, the subject monitors were in the same or substantially similar condition as they were at the time when they left Defendants' control and were placed into the stream of commerce.

620. No mandatory safety standard or regulation adopted and promulgated by the federal government, or an agency of the federal government, was applicable to the subject monitors at the time they were manufactured that governed any product risk that caused the accident and/or injuries to Plaintiffs. To the extent Defendants attempt, pursuant to § 82.008 of the Texas Civil Practice & Remedies Code, to rely on any standards or regulations of the federal government, such standards or regulations were inadequate to protect against the risk of accident and/or injuries that occurred in this accident and/or Defendants withheld or misrepresented information to the government regarding the adequacy of the safety standard at issue.

621. As a direct and proximate result of the failure of Defendants to properly design, test, sell, and deliver the subject monitors, Plaintiffs suffered severe personal injuries and damages.

F. GROSS NEGLIGENCE

622. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts,

conduct, and/or omissions on the part of Defendants, Detcon, Teledyne Detcon and 3M constituted gross negligence and are the proximate cause of Plaintiffs' injuries and damages.²⁰ Defendants, ARC, Detcon, Teledyne Detcon, and 3M's acts and/or omissions, when viewed objectively from their standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendants, ARC, Detcon, Teledyne Detcon and 3M had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

XI.

CAUSES OF ACTION AGAINST ARC

A. NEGLIGENCE

623. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant ARC committed acts and omissions, which collectively and separately constituted negligence. This Defendant had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. This Defendant breached that duty in one or more of the following ways:

- a. Failing to properly service, inspect, maintain, test and repair the control panels of the propylene system to prevent leaks, identify leaks and in the event of a leak to shut the system down and issue warnings;
- b. Failing to modify/engineer the automatic shut off valve;

- c. Failing to recognize and remediate hazards with an extreme degree of risk; and
- d. Other acts or omissions deemed negligent.

B. GROSS NEGLIGENCE

624. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of ARC constituted gross negligence and are the proximate cause of Plaintiffs' injuries and damages.²¹ ARC's acts and/or omissions, when viewed objectively from its standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. ARC had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

**XII.
CAUSES OF ACTION AGAINST TRCC**

A. NEGLIGENCE

625. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant TRCC committed acts and omissions, which collectively and separately constituted negligence. This Defendant had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. This Defendant breached that duty in one or more of the following ways:

- a. Failing to recognize and ensure remediation of hazards with an extreme degree of risk;
- b. Failure to design and implement an adequate risk management plan;

- c. Failing to modify/engineer the automatic shut off valve;
- d. Failing to read, understand, and follow published safe work policies and procedures; and
- e. Other acts or omissions deemed negligent.

B. GROSS NEGLIGENCE

626. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of TRCC constituted gross negligence and are the proximate cause of Plaintiffs' injuries and damages.²² TRCC's acts and/or omissions, when viewed objectively from its standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. TRCC had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

**XIII.
CAUSES OF ACTION AGAINST DATAONLINE**

A. NEGLIGENCE

627. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant DataOnline committed acts and omissions, which collectively and separately constituted negligence. This Defendant had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. This Defendant breached that duty in one or more of the following ways:

- a. Failing to properly monitor telemetry readings from the subject tank;
- b. Failing to modify/engineer the automatic shut off valve;
- c. Failure to properly identify, notify and warn others regarding the

propyleneleak; and

d. Other acts or omissions deemed negligent.

B. GROSS NEGLIGENCE

628. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of DataOnline constituted gross negligence and are the proximate cause of Plaintiffs' injuries and damages.²³ DataOnline's acts and/or omissions, when viewed objectively from its standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. DataOnline had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

XIV.

CAUSES OF ACTION AGAINST INDUSTRIAL

A. PRODUCTS LIABILITY—DESIGN DEFECT

629. Incorporating by reference the above paragraphs, gas monitors that were installed to detect propylene levels at the premises were originally designed, manufactured and sold by Defendant Industrial. At the time the monitors were sold, Industrial was in the business of designing, manufacturing, selling, and/or otherwise placing monitors, such as the monitors in question, in the stream of commerce.

630. At the time the subject monitors were designed, manufactured and sold by Industrial, they were defective in design and unreasonably dangerous. The defective and

unreasonably dangerous condition of the monitors were a direct and proximate cause of the damages to Plaintiffs.

631. The defects regarding the monitors include but are not limited to the ability to turn off the alarm, which is supposed to sound and shut down the flow of propylene in the event of a leak. Safer alternative designs existed other than the one used, which were economically and technologically feasible and would have prevented or significantly reduced the risk of accident and/or injury in question without substantially impairing the monitors utility. Specifically, Defendant could have designed the monitors so that the alarm could not be turned off and disabled.

632. Such alternative designs for the above identified defects were available in the market and were technologically and economically feasible at the time the monitors were designed and manufactured and would not have impaired the utility of the subject gas monitors.

633. At the time of the incident made the basis of this lawsuit, the subject monitors were in the same or substantially similar condition as they were at the time when they left Defendants' control and were placed into the stream of commerce.

634. No mandatory safety standard or regulation adopted and promulgated by the federal government or an agency of the federal government was applicable to the subject monitors at the time they were manufactured that governed any product risk that caused the accident and/or injuries to Plaintiffs. To the extent Defendants attempt, pursuant to § 82.008 of the Texas Civil Practice & Remedies Code, to rely on any standards or regulations of the federal government, such standards or regulations were inadequate to protect against the risk of accident and/or injuries that occurred in this accident and/or Defendants withheld or misrepresented information to the government regarding the adequacy of the safety standard at issue.

635. As a direct and proximate result of the failure of Defendants to properly design, test

and sell deliver the subject monitors, Plaintiffs suffered severe personal injuries, property damage, and other compensable injuries.

B. GROSS NEGLIGENCE

636. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of Defendant Industrial constituted gross negligence and is the proximate cause of Plaintiffs' injuries and damages.²⁴ Industrial's acts and/or omissions, when viewed objectively from its standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendant Industrial had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

**XV.
CAUSES OF ACTION AGAINST TOTAL SAFETY**

A. NEGLIGENCE

637. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant Total Safety committed acts and omissions, which collectively and separately constituted negligence. Defendant Total Safety had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. Defendant Total Safety breached that duty in one or more of the following ways:

- a. Failing to properly service, inspect, maintain, test and repair the propylene system and its piping, sensors and alarms to prevent leaks, identify leaks and

in the event of a leak to issue warnings and shut down the system;

- b. Failing to modify/engineer the automatic shut off valve;
- c. Failing to recognize and remediate hazards with an extreme degree of risk; and
- d. Other acts or omissions deemed negligent.

B. NEGLIGENT INSPECTION

638. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant Total Safety committed acts and omissions, which collectively and separately constituted negligence in the inspection of the gas monitors that they regularly service. Defendant Total Safety had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. Defendant Total Safety breached that duty when the gas monitors and piping system were not inspected in a manner that a reasonably prudent person in the same or similar circumstances would have inspected them. As a direct and proximate result of the Defendant Total Safety's negligent inspection of the subject monitors, Plaintiffs suffered severe injuries and damages.

C. NEGLIGENT SERVICE

639. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant Total Safety committed acts and omissions, which collectively and separately constituted negligence in the service of the gas monitors that they regularly serviced. Defendant Total Safety had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. Defendant Total Safety breached that duty when the gas monitors and piping system were not serviced in a manner that a reasonably prudent person in the same or similar circumstances would have performed

service. As a direct and proximate result of the Defendants' negligent service of the subject monitors, Plaintiffs suffered severe injuries and damages.

D. NEGLIGENT CALIBRATION

640. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant Total Safety committed acts and omissions, which collectively and separately constituted negligence in the calibration of the gas monitors that they regularly calibrated. Defendant Total Safety had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. Defendant Total Safety breached that duty when the gas monitors and piping system were not calibrated in a manner that a reasonably prudent person in the same or similar circumstances would have calibrated them. As a direct and proximate result of Defendant Total Safety's negligent calibration of the subject monitors, Plaintiffs suffered severe injuries and damages.

E. PRODUCTS LIABILITY—DESIGN DEFECT

641. Incorporating by reference the above paragraphs, gas monitors that were installed to detect propylene levels at the premises were originally designed, manufactured, sold, installed and maintained by Defendant Total Safety. At the time the monitors were sold, Defendant Total Safety was in the business of designing, manufacturing, selling, and/or otherwise placing monitors, such as the monitors in question, in the stream of commerce.

642. At the time the subject monitors were designed, manufactured and sold by Defendant Total Safety, they were defective in design and unreasonably dangerous. The defective and unreasonably dangerous condition of the monitors was a direct and proximate cause of the damages to Plaintiffs.

643. The defects regarding the monitors include but are not limited to the ability to turn

off the alarm, which is supposed to sound and shut down the flow of propylene in the event of a leak. Safer alternative designs existed other than the one used, which were economically and technologically feasible and would have prevented or significantly reduced the risk of the accident and/or injuries in question without substantially impairing the monitors' utility. Specifically, Defendant Total Safety could have designed the monitors so that the alarm could not be turned off and disabled.

644. Such alternative designs for the above identified defects were available in the market and were technologically and economically feasible at the time the monitors were designed and manufactured and would not have impaired the utility of the subject gas monitors.

645. At the time of the incident made the basis of this lawsuit, the subject monitors were in the same or substantially similar condition as they were at the time when they left Defendant Total Safety's control and were placed into the stream of commerce.

646. No mandatory safety standard or regulation adopted and promulgated by the federal government, or an agency of the federal government, was applicable to the subject monitors at the time they were manufactured that governed any product risk that caused the accident and/or injuries to Plaintiffs. To the extent Defendants attempt, pursuant to § 82.008 of the Texas Civil Practice & Remedies Code, to rely on any standards or regulations of the federal government, such standards or regulations were inadequate to protect against the risk of accident and/or injuries that occurred in this accident and/or Defendants withheld or misrepresented information to the government regarding the adequacy of the safety standard at issue.

647. As a direct and proximate result of the failure of Defendant Total Safety to properly design, test, sell, and deliver the subject monitors, Plaintiffs suffered severe personal injuries, property damage, and other compensable injuries.

F. GROSS NEGLIGENCE

648. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of Defendant Total Safety constituted gross negligence and are the proximate cause of Plaintiffs' injuries and damages.²⁵ Defendant Total Safety's acts and/or omissions, when viewed objectively from their standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendant Total Safety had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

**XVI.
CAUSES OF ACTION AGAINST NADER SALIM**

A. NEGLIGENCE

649. Incorporating by reference the above paragraphs, at the time and on the occasion in question, Defendant Salim committed acts and omissions, which collectively and separately constituted negligence. This Defendant had a duty to exercise ordinary care, meaning the degree of care that would be used by any entity of ordinary prudence under the same or similar circumstances. This Defendant breached that duty in one or more of the following ways:

- a. Failing to recognize and ensure remediation of hazards with an extreme degree of risk;
- b. Failure to design and implement an adequate risk management plan;
- c. Failing to modify/engineer the automatic shut off valve;
- d. Failing to read, understand, and follow published safe work policies and procedures; and

- e. Other acts or omissions deemed negligent.

B. GROSS NEGLIGENCE

650. Incorporating by reference the above paragraphs, Plaintiffs allege that all acts, conduct, and/or omissions on the part of Defendant Salim constituted gross negligence and are the proximate cause of Plaintiffs' injuries and damages.²⁶ Defendant Salim's acts and/or omissions, when viewed objectively from its standpoint at the time such acts and/or omissions occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Defendant Salim had actual, subjective awareness of the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiffs with an intentional state of mind. Such gross negligence was a proximate cause of the occurrence and Plaintiffs' injuries and damages. Therefore, Plaintiffs are entitled to punitive and/or exemplary damages.

XVII.
DAMAGES

651. As a result of MDL Defendants' actions and/or inactions, Plaintiffs bring this lawsuit for the following damages:

- a. Past and future physical pain and suffering;
- b. Past and future mental anguish;
- c. Past and future medical expenses;
- d. Past and future lost wages and loss of earning capacity;
- e. Past and future physical impairment;
- f. Past and future disfigurement;
- g. Property damage;
- h. Diminished Value;
- i. Depreciation;

- j. Costs of replacement or completion;
- k. Expenses of temporary/alternate housing;
- l. Business interruption damages;
- m. Court costs;
- n. Exemplary damages²⁸; and
- o. Any and all other damages, both general and special, at law and in equity, to which Plaintiffs may be justly entitled.

652. Plaintiffs also seek both prejudgment and post judgment interest as allowed by law, for all costs of court, actual damages, and all other relief, both at law and in equity, to which Plaintiffs may be entitled.

XVIII. **PRAYER**

For the foregoing reasons, Plaintiffs pray that upon final trial Plaintiffs are entitled to have judgment, jointly and severally, against MDL Defendants and request that the Court award money damages as listed above, in such amounts that the jury may deem appropriate and are allowable by law, along with any and all other relief the Court may deem appropriate. Pursuant to Texas Rule of Civil Procedure 47, discovery is ongoing and given the extraordinary nature of the vast destruction and harm (both bodily harm and damage to property) caused by the explosion made the basis of this lawsuit, the amount of damages is still being ascertained, including the amount of punitive damages to be awarded by the jury, but the best calculation that can be made at this time for the maximum amounts claimed is set forth in Rule 47 Disclosure Statement that will be filed for each Plaintiff and is incorporated here by reference.

Respectfully submitted,

KWOK DANIEL LTD., L.L.P.

/s/ Robert S. Kwok

ROBERT S. KWOK

State Bar No. 00789430

rkwok@kwoklaw.com

J. RYAN LOYA

State Bar No. 24086531

rloya@kwoklaw.com

9805 Katy Freeway, Suite 850

Houston, Texas 77024

Telephone: (713) 773-3380

Facsimile: (713) 773-3960

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record on the 21st day of January, 2022 pursuant to the Texas Rules of Civil Procedure:

/s/Robert S. Kwok

Robert S. Kwok