

NO. _____

JOSE DANIELA JAICO AHUMADA,	§	IN THE DISTRICT COURT OF
INDIVIDUALLY AND AS	§	
REPRESENTATIVE OF THE ESTATE OF	§	
A.L.J., MINOR (DECEASED)	§	
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
	§	
UNIQUE CROWNE HOSPITALITY LLC	§	
D/B/A DOUBLETREE BY HILTON	§	
HOUSTON BROOKHOLLOW, AND	§	
HILTON WORLWIDE HOLDINGS INC.	§	_____ JUDICIAL DISTRICT

PLAINTIFF’S ORIGINAL PETITION AND JURY DEMAND

TO THE HONORABLE COURT:

COMES NOW, JOSE DANIELA JAICO AHUMADA INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF A.L.J., MINOR (DECEASED), Plaintiff, in the above entitled and numbered cause, complaining of and against UNIQUE CROWNE HOSPITALITY LLC D/B/A DOUBLETREE BY HILTON HOUSTON BROOKHOLLOW and HILTON WORLWIDE HOLDINGS INC., Defendants herein, and for cause of action would respectfully show unto the Court and Jury the following:

A. DISCOVERY CONTROL PLAN

1. Pursuant to Rule 190.4 of the Texas Rules of Civil Procedure, Plaintiff, JOSE DANIELA JAICO AHUMADA INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF A.L.J., MINOR (DECEASED) requests a Level 3 discovery control plan.

B. PARTIES

2. At the time of her death, A.L.J. resided in Texas and was a citizen of the state of Texas.

3. Plaintiff JOSE DANIELA JAICO AHUMADA resides in the State of Texas and is the biological mother, parent, and legal guardian of A.L.J. Ms. Ahumada has standing to pursue her own wrongful death claim pursuant to Texas Civil Practice and Remedies Code § 71.001, *et seq.* Ms. Ahumada may be contacted through his undersigned counsel, Nava Law Group, P.C.

4. Defendant UNIQUE CROWNE HOSPITALITY LLC D/B/A DOUBLETREE BY HILTON HOUSTON BROOKHOLLOW, is a Domestic Limited Liability Company (LLC) doing business in the State of Texas and may be served with service of process by serving its Registered Agent, Shaukatali Momin, 1403 Ravenel Lane, Sugar Land, Texas 77479, or wherever they may be found.

5. Defendant HILTON WORLWIDE HOLDINGS INC., is a Foreign For-Profit Corporation doing business in the State of Texas and may be served with service of process by serving its Registered Agent, United States Corp System, 211 E. 7th Street, Suite 620, Austin, TX, 78701-3218, or wherever it may be found.

C. JURISDICTION AND VENUE

6. Venue is proper in Harris County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code §15.001 *et seq.* because all or a substantial part of the events or omissions giving rise to the claims arose in Harris County, Texas. This Court has jurisdiction over the parties and subject matter hereof.

D. FACTS

7. At all times material hereto, Defendants UNIQUE CROWNE HOSPITALITY LLC D/B/A DOUBLETREE BY HILTON HOUSTON BROOKHOLLOW and/or HILTON WORLWIDE HOLDINGS INC. were the owners, managers, operators and/or occupier of the premises in question, specifically the premises known as DoubleTree, Brookhollow, located at

12801 Northwest Freeway, Houston, Harris County, Texas. At all times material hereto, Defendants were in control of said premises.

8. Whenever it is alleged in this Petition that Defendants did or failed to do any act or thing, it is meant that such commission or omission was performed or omitted by any agents, servants, representatives, employees and/or managers of Defendants, and that in each instance the agents, servants, representatives, employees and/or managers were then acting for and on behalf of Defendants and within the course and scope of his/her employment or within the authority delegated to him/her by Defendants.

9. On March 23, 2024, Plaintiff rented a room to enjoy a day of swimming with her family when tragedy struck and her 8-year-old daughter A.L.J, who loved to swim, was violently sucked into a 12 to 16 inch unsecured open gap in the swimming pool flow system of the hotel's lazy river. At approximately 4:50 p.m., A.L.J. was swimming with her family when she suddenly disappeared in the lazy river. Plaintiff was frantically searching for her daughter when at approximately 5:20 p.m. Ms. Ahumada requested hotel management look at the video surveillance footage. Hotel management denied her request and explained that police would have to be present to view the video surveillance. At approximately 5:45 p.m., Plaintiff called 911 and reported A.L.J. missing. A major search that included Tim Miller of Texas Equusearch and the police, were finally granted access to view the security footage wherein it was discovered that A.L.J. went underwater and never emerged. A team was then put together to drain the pool and video cameras were attached to 20-foot poles to inspect the pipes when her body was discovered wedged in the pipes of the malfunctioning pool equipment. As a direct result of the occurrence caused by Defendants' negligent activity and/or a dangerous condition on the Defendants' premises that Defendants and/or its respective agents, servants and employees

knew, or in the exercise of ordinary care should have known existed caused the tragic death of A.L.J. Plaintiff's resulting injuries and death were directly and proximately caused by Defendants' negligence and/or a defective condition on Defendants' premises. At all times material hereto, Plaintiff was an invitee on Defendant's premises.

E. NEGLIGENCE/PREMISES LIABILITY

10. The condition described above was negligently created and/or allowed to exist by Defendants, and Defendants negligently allowed it to persist without correcting it or adequately warning the public, including Plaintiff, of its presence. Defendants were negligent in one or more of the following particulars, each of which, separately and/or concurrently, was a proximate cause of the occurrence in question and Plaintiff's resulting injuries and damages:

- a. In negligently failing to provide Plaintiff a safe place to swim;
- b. In negligently permitting a dangerous condition to exist in the area of the premises where Plaintiff was swimming;
- c. In negligently permitting a dangerous condition to exist for an unreasonable amount of time in the area of the premises where Plaintiff was swimming;
- d. In failing to inspect the area of the premises where the incident occurred to ensure its safety to invitees, including Plaintiff;
- e. In failing to perform adequate, regular and/or timely inspections of the area of the premises where the incident occurred to ensure its safety to invitees, including Plaintiff;
- f. In failing to adequately maintain the premises in question in a reasonably safe condition;
- g. In failing to adequately and timely remove or remedy the dangerous condition as described above;
- h. In failing to properly supervise and train its employees with regard to proper inspection of the premises for the existence of dangerous conditions such as the one described above;

- i. In failing to properly supervise and train its employees with regard to proper and timely removal of dangerous conditions, such as the one described above, existing on Defendant's premises;
 - j. In failing to follow Defendant's own policies with regard to inspection of the premises in question for dangerous conditions existing on Defendant's premises;
 - k. In failing to adequately warn Plaintiff of the unreasonably dangerous condition described above;
 - l. In failing to prevent the unreasonably dangerous condition described above from occurring or existing;
 - m. In permitting the unreasonably dangerous condition described above to exist when Defendant knew or should have known of its existence and that it posed an unreasonable risk of bodily harm;
 - n. In failing to provide adequate safety equipment in the pool;
 - o. In failing to provide barriers to the pool suction equipment so that invitees, including Plaintiff, would not be sucked into; and
 - p. In failing to exercise reasonable care to reduce or eliminate the risk posed by the unreasonably dangerous condition described above.
11. Defendants had actual or constructive knowledge of the unreasonably dangerous condition described above and that it posed an unreasonable risk of bodily injury.
12. In the alternative, Defendants reasonably should have known of the existence of and dangers posed by the unreasonably dangerous condition described above.
13. Nothing Plaintiff did or failed to do caused or contributed to cause the incident in question or her resulting injuries and damages.
14. Defendant's negligence described above directly and proximately caused the incident in question and Plaintiff's resulting injuries and damages.

F. RESPONDEAT SUPERIOR

15. The person and/or persons who worked in the Defendants' premises were agents, servants and/or employees of Defendants and were acting within the course and scope of their

employment and in furtherance of Defendants' business when A.L.J. was at the DOUBLETREE BY HILTON HOUSTON BROOKHOLLOW. As Such Defendants UNIQUE CROWNE HOSPITALITY LLC D/B/A DOUBLETREE BY HILTON HOUSTON BROOKHOLLOW and HILTON WORLWIDE HOLDINGS INC., are responsible for the conduct due to the master-servant relationship which existed, and under the doctrine of Respondeat Superior.

G. GROSS NEGLIGENCE

16. Plaintiff alleges that all acts and/or omissions on the part of Defendants UNIQUE CROWNE HOSPITALITY LLC D/B/A DOUBLETREE BY HILTON HOUSTON BROOKHOLLOW and HILTON WORLWIDE HOLDINGS INC., individually and/or in the aggregate, constitute gross negligence and were the proximate cause of the Minor Decedent's death and Plaintiff's resulting damages. Defendants' 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 had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of Minor Decedent with an intentional state of mind. Such gross negligence was a proximate cause of Minor Decedent's death and Plaintiff's resulting damages. Therefore, Plaintiff is entitled to punitive/exemplary damages.

H. TEXAS WRONGFUL DEATH STATUTE

17. This action is being brought pursuant to the Texas Wrongful Death Statute, TEX. CIV. PRAC. & REM. CODE §§71.001-.012, for the death of Minor Decedent, A.L.J.

18. Pursuant to Section 71.004, Plaintiff JOSE DANIELA JAICO AHUMADA, in her individual capacity, brings this action as a surviving parent of Minor Decedent. Defendant caused A.L.J.'s tragic and untimely death by their own, or their agents, employees or representatives,

wrongful act(s), negligence, carelessness as well as their reckless and willful act(s), omissions and/or gross negligence. Plaintiff is a statutory beneficiary of Minor Decedent and, by reason of the occurrence made the basis of this suit, is therefore entitled to all damages cognizable under the Wrongful Death Statute.

19. In addition, pursuant to Section 71.009, Minor Decedent's mother is entitled to exemplary damages for the willful act(s) or omission(s) or gross negligence of the Defendants that led to Minor Decedent's death.

I. DAMAGES

20. Defendants' negligence, acts, omissions and wrongful conduct were the direct, proximate, and producing cause of death of Minor Decedent, A.L.J. and resulting damages, for which Defendants are liable. Therefore, Plaintiff seeks all legally compensable damages permitted by Texas law that are greatly in excess of the minimum jurisdictional limits of this Court, as Plaintiff seeks damages in excess of \$1,000,000.00.

21. Pursuant to the Texas Wrongful Death Statute, TEX. CIV. PRAC. & REM. CODE §71.001, et seq. and under Texas Law, Plaintiff JOSE DANIELA JAICO AHUMADA, individually and on behalf of her daughter Minor Decedent, A.L.J., asserts claims to recover all damages recoverable by the Estate of Minor Decedent, A.L.J., and is entitled to recover compensation, including but not limited to past and future, for:

- a. Pecuniary loss resulting from the death of Minor Decedent, A.L.J., including, but not limited to, the loss of the care, maintenance, support, services, advice, counsel, guidance and the reasonable contributions of pecuniary value that Plaintiff would in reasonable probability have received from A.L.J. had she lived;
- b. Mental anguish suffered as a result of the death of Minor Decedent, A.L.J., including, but not limited to, the emotional pain, torment, and suffering that that Plaintiff would in reasonable probability experience from the death of her child;
- c. Loss resulting from Minor Decedent, A.L.J.'s death, including, but not limited to,

loss of a daughter's love, affection, advice, counsel, care, consortium, protection, services, attention, society and companionship that Plaintiff would in reasonable probability had experienced if A.L.J. had lived;

- d. Medical and counseling expenses;
- e. Funeral and burial expenses;
- f. Pre-judgment and post judgment interest;
- g. Court costs; and
- h. Any and all other affirmative relief and legally recoverable damages to which Intervenor-Plaintiff may be justly entitled.

J. EXEMPLARY DAMAGES

22. Additionally, Plaintiff is entitled to exemplary damages under TEX. CIV. PRAC. & REM. CODE §71.009 and Texas Constitution article 16, section 26.

23. Defendants' acts and omissions, when viewed objectively from the standpoint of Defendants at the time of their occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others, including Plaintiff. Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of others. The acts or omissions of Defendants constitute gross negligence, as that term is defined in TEX. CIV. PRAC. & REM. CODE section 41.001(11).

24. The grossly negligent acts and/or omissions of Defendants UNIQUE CROWNE HOSPITALITY LLC D/B/A DOUBLETREE BY HILTON HOUSTON BROOKHOLLOW and/or HILTON WORLWIDE HOLDINGS INC. were a proximate cause of actual damages to Plaintiff in an amount within the jurisdictional limits of this Court, for which Plaintiff seeks judgment.

25. A.L.J.'s death resulted from Defendants UNIQUE CROWNE HOSPITALITY LLC D/B/A DOUBLETREE BY HILTON HOUSTON BROOKHOLLOW and/or HILTON WORLWIDE HOLDINGS INC.'s gross negligence, which entitles Plaintiff to exemplary damages under TEX. CIV. PRAC. & REM. CODE section 41.003(a).

K. REQUEST FOR JURY TRIAL

26. Plaintiff requests a jury trial.

L. REQUEST FOR DISCLOSURE

27. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are hereby requested to disclose at or within thirty (30) days after the filing of Defendant's answer, the information or material described below. Please serve your responses on counsel representing this Plaintiff, and produce true and correct copies of all documents and other tangible items with your responses, in accordance with Rule 194.4.

28. Plaintiff requests disclosure of the following, pursuant to Rules 194.2:

- (1) the correct names of the parties to the lawsuit;
- (2) the name, address, and telephone number of any potential parties;
- (3) the legal theories and, in general, the factual bases of the Defendant's claims or defenses;
- (4) the amount and any method of calculating economic damages;
- (5) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (6) A copy-or a description by category and location-of all documents, electronically stored information, and tangible things that the Defendant has in its possession, custody or control, and may use to support its claims or defenses, unless the use would be solely for impeachment;
- (7) any indemnity and insuring agreements described in Rule 192.3(f);
- (8) any settlement agreements described in Rule 192.3(g);

- (9) any witness statements described in Rule 192.3(h);
- (10) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (11) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the Defendant by virtue of an authorization furnished by the requesting party; and.
- (12) the name, address, and telephone number of any person who may be designated as a responsible third party.

M. SPOILIATION

29. Defendants are hereby requested to retain any and all witness statements, incident reports, photographs, facsimiles, email, voice mail, text messages, and any electronic image or information related to the referred incident and all investigative materials associated with this claim, together with all surveillance tapes/video of the premises on the date of this incident. Plaintiff further requests Defendants provide a copy of the surveillance video.

N. PRAYER

30. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited to appear and answer herein, and that upon final trial hereof, Plaintiff recover from said Defendants, jointly and severally, actual damages and punitive/exemplary damages in sum of more than \$1,000,000.00, together with pre-judgment and post-judgment interest at the maximum rate allowed by law, costs of Court, and for any and all further relief, both general and special, legal and equitable to which Plaintiff may be justly entitled.

Respectfully submitted,
NAVA LAW GROUP, P.C.

/s/ Richard J. Nava

RICHARD J. NAVA

SBN: 24083552

MARCO DELUNA

SBN: 24065129

4909 Bissonnet St., Suite 100

Bellaire, Texas 77401

713/661-9900 Main

713/218-2425 Direct

713/666-5922 Facsimile

Email: Rnava@navalawgroup.com

Email: eservicerjn@navalawgroup.com

ATTORNEYS FOR PLAINTIFF