

429-04808-2024

CAUSE NO. \_\_\_\_\_

JOCELYN CARTER, INDIVIDUALLY  
AND AS NEXT FRIEND OF G.C., A  
MINOR CHILD,

PLAINTIFFS,

VS.

BRIGHT HORIZONS CHILDREN'S  
CENTER, LLC.  
D/B/A BRIGHT HORIZONS AT LEGACY,

DEFENDANT.

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IN THE DISTRICT COURT

COLLIN COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

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**ORIGINAL PETITION AND JURY DEMAND**

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1. Jocelyn Carter, Individually and as Next Friend of G.C., a minor child, like many parents across this country and the state of Texas, is a working mother that relied on a daycare to provide a safe, caring, nurturing environment for her daughter, G.C., while she was working. Jocelyn trusted that her daughter would be safe at Bright Horizons<sup>1</sup> for daycare.

2. A safe learning environment and peace of mind are what parents like Jocelyn pay for and expect. Instead, Jocelyn's worst nightmare became a reality when her daughter G.C. suffered serious physical, emotional, and mental injuries because of the failures of Bright Horizons when G.C. was allowed access to a vape pen. Jocelyn brings this lawsuit on her family's behalf asking for answers and asking that Bright Horizons accept responsibility.

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<sup>1</sup> This petition refers to Defendant Bright Horizons Children's Center, LLC d/b/a Bright Horizons at Legacy as "Bright Horizons."

## STATEMENT OF FACTS

3. According to Bright Horizons, “Your child’s safety and wellness is our top priority.”<sup>2</sup> Bright Horizons boasts itself as a daycare center that is dedicated to creating a nurturing and safe environment for the children in their care, claiming that, “Our centers take important steps to ensure the very best for every child...”<sup>3</sup> They further assert that their caregivers receive the required training to be fully capable of providing the children the care that is necessary to ensure their safety and well-being with the assurance that “Our teachers are all experienced and dedicated professionals who meet rigid certification requirements.”<sup>4</sup> However, investigation records from the state of Texas paints a very different picture.

4. Bright Horizons is responsible for qualifying, hiring, training, and supervising its employee-caregivers on safe and proper care conducive to the welfare of children; supervising children at all times to ensure their safety and wellbeing; ensuring no child is neglected; having appropriate visual and/or auditory awareness of each child; maintaining a safe environment for children in their care; ensuring no unsafe and dangerous items are accessible to children; maintaining compliance with Texas’ minimum standards for childcare; the use of good judgment, competency, and control; and proper response and documentation of incidents that place a child at risk.

5. On or about Monday, January 22, 2024, Jocelyn placed her daughter G.C. in the care of Bright Horizons for her *first* day of daycare. While under the care of Bright Horizons, G.C. was

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<sup>2</sup> Bright Horizons Website, <https://child-care-preschool.brighthorizons.com/tx/plano/legacy/our-center> (last visited June 28, 2024).

<sup>3</sup> *Id.*

<sup>4</sup> / Bright Horizons Website, <https://child-care-preschool.brighthorizons.com/tx/plano/legacy/curriculum> (last visited June 28, 2024).

negligently supervised, endangering her health, safety, and life. Bright Horizons failed to properly supervise the children in its care when G.C. was able to gain access to a vape pen belonging to a Bright Horizons caregiver employee and as a result suffered exposure to a highly dangerous chemical (hereinafter, "the Incident"). Bright Horizon employee Zohra Hirani reported that she came back from the bathroom and saw G.C. with something pink in her hand and saw smoke coming from G.C.'s mouth/nose area. She confronted the other Bright Horizon employee, Leterra Williams, regarding the vape pen. Without saying a word, Leterra Williams took the pink vape pen from Zohra Hirani's hand and put it into her jacket pocket. According to Zohra Hirani, she didn't immediately report the incident because she did not know who to report it to and was afraid that she may get in trouble.

6. Bright Horizons staff knew G.C. had gained access to the vape pen after witnessing G.C. with a pink vape pen in her hand and a smoke and mist like substance coming out of her nose and mouth. Despite witnessing this, Bright Horizons staff failed to notify Jocelyn about the incident and failed to report it to the state, emergency medical services, and law enforcement. Bright Horizons failed to properly train and supervise its employees on safety, supervision, and incident reporting.

7. When Jocelyn arrived to pick up G.C. from daycare that day, she immediately noticed something was wrong. G.C.'s eyes and cheeks were obviously swollen, red, and puffy. When Jocelyn inquired why her daughter's eyes were swollen, the Bright Horizons caregiver employee responded with laughter and told Jocelyn that G.C.'s eyes were swollen because she was just a "good sleeper." Without any knowledge of what truly occurred, Jocelyn took G.C. home and later that night G.C. developed a severe and persistent cough that caused vomiting for which

she was treated by medical professionals. Bright Horizons chose to lie and withhold the truth from Jocelyn and because of this lie, G.C. did not get the immediate medical attention needed.

8. It wasn't until **eight days** after the incident, on January 30, 2024, that Bright Horizons decided to be truthful with Jocelyn when they called her to notify her that G.C. had been seen with the pink vape pen in her hand and that she may have ingested the contents of the vape pen but failed to provide her the details on what substance was in the vape pen or how G.C. was able to access the device. Shockingly, Bright Horizons did not immediately terminate Leterra Williams, the caregiver employee after what happened to G.C., instead they suspended the caregiver employee and the caregiver employee then resigned. Also of concern, Bright Horizon did not discipline, suspend, or terminate Zohra Hirani for failing to report the incident

9. An investigation conducted by Plano Police Department later revealed that G.C. had gained access and inhaled vapor from a disposable electronic vape pen identified as a **Lost Mary model OS5000 which contained 40mg of nicotine** – a chemical substance that is extremely dangerous to any child.

10. Bright Horizons negligently operated its facility and endangered the health and well-being of G.C. when they failed to act appropriately in the face of a serious situation. Bright Horizons failed to properly supervise the children in its care; failed to provide a safe environment for a child in their care; failed to ensure no child was neglected in their care; negligently hired unqualified and untrained employees; failed to supervise its employees; and left G.C. and numerous other children in the hands of incompetent and irresponsible caregivers. Supervision is an essential component of the prevention of harm. Supervision requires knowing the ongoing

activity of each child, having appropriate physical proximity, visual and/or auditory awareness, and properly caring for every child in their care.

11. Bright Horizons is required to follow strict minimum guidelines set forth by the State of Texas through the Department of Family and Protective Services. These minimum standard guidelines carry the force of the law. Texas Health and Human Services Child-Care Licensing Division and the Texas Department of Family and Protective Services conducted an independent investigation into the incident involving G.C. and concluded that the allegations involving G.C. against Bright Horizons were substantiated, citing Bright Horizons for violating the following childcare licensing rules of Texas:

- **§746.1201(5) – Responsibilities of Employees and Caregivers – Report Suspected Child Abuse, Neglect, or Exploitation** – *A caregiver who witnessed an incident that was suspected neglect did not report it.*
- **§746.1201(4) – Responsibilities of Employees and Caregivers – Ensure No Child Abused, Neglected, or Exploited.**

12. In addition to the above findings relating to G.C.'s incident, it was discovered during that same investigation that a Bright Horizons employee yelled at a child, used harsh language toward a child, pulled a child's arm, and harshly put a child in a chair. Bright Horizons received two citations for their unsafe and improper conduct.

13. Bright Horizons has been cited by the state of Texas numerous times for failing to ensure that the operation and its caregivers meet the minimum standards, laws, and regulations in place to keep kids safe. A history of citations, inspections, investigations, and deficiencies from the state show the same conduct and failure to act that led to the incident and the injuries

sustained by G.C. Bright Horizons has a clear recent history of failing to qualify, train, and supervise employees, failing to follow the minimum standards, and failing to properly care for children.

14. The following is an overview of some of the citations issued by the Texas Health and Human Services Commission from

- October 2019:
  - o Cited for three staff members failing to complete the required 24 hours of annual training.
  - o Cited for failing to follow the adequate safety practices to keep the facility free of hazards.
  - o Cited for failing to ensure safety when children's napping equipment was placed directly in front of a door which blocked the entrance/exit.
  - o Cited for requiring children to sleep when a caregiver was seen covering a child's head and faces during nap time.

15. What happened to G.C. was preventable. As a direct and proximate result of the actions and/or omissions of Bright Horizons, Plaintiffs sustained injuries and damages.

### **DISCOVERY CONTROL PLAN & CLAIM FOR RELIEF**

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

17. As required by the Texas Rule of Civil Procedure 47(c), Plaintiffs' counsel states that Plaintiffs seek monetary relief over \$1,000,000.00; however, the amount of monetary relief awarded will ultimately be determined by a jury.

### **PARTIES**

18. Plaintiff Jocelyn Carter is the biological mother of Plaintiff G.C., a minor, and are citizens and residents of Denton County, Texas.

19. Defendant Bright Horizons Children’s Center, LLC d/b/a Bright Horizons at Legacy. (hereinafter referred to as “Defendant”) is a limited liability company doing business in the State of Texas, its state of formation. Defendant operates a daycare facility located at 6501 Legacy Drive, Suite 6025, Plano, Texas 75024. Defendant may be served with process by serving its registered agent, Corporation Service Company dba CSC – Lawyers Incorporating Service Company, located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218, or wherever they may be found.

### **JURISDICTION & VENUE**

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

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

### **CAUSES OF ACTION**

#### **Count One – Negligence**

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

23. The occurrence made the basis of this suit, reflected in the above paragraphs, and the resulting injuries and damages of Plaintiffs were proximately caused by the negligent conduct of the Defendant. Defendant was negligent by breaching the duty that was owed to Plaintiffs, to exercise ordinary care in one or more of the following acts or omissions, constituting negligence:

- a. Failing to exercise the care that was necessary under the circumstances;

- b. Failing to do what a reasonable daycare would have done under the circumstances;
- c. Failing properly supervise the children in their care;
- d. Failing to maintain a safe environment for children;
- e. Failing to properly hire, qualify, train, and supervise its employee-caregivers trusted with the care of minor Plaintiff G.C.;
- f. Failing to have appropriate visual and/or auditory awareness of each child;
- g. Failing to account for all children under their care and supervision;
- h. Choosing to continue to employ an unqualified, untrained, and unsupervised caregiver;
- i. Failing to ensure caregiver employees demonstrate competency, good judgment, and self-control;
- j. Failing to ensure no child is abused, neglected, or exploited; and
- k. Failing to adhere to the Texas Minimum Standards for Childcare.

24. Defendant had a duty to exercise ordinary care in caring for and supervising the children in its care so as to prevent injury to Plaintiff G.C. and other children similarly situated.

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

26. Defendant had a duty to hire, train, and supervise caregiver employees to ensure that children in their care were safe to prevent injury to G.C., and other children similarly situated.

27. Defendant breached the duty of care by failing to care for the children; failing to supervise the children; failing to have appropriate visual and/or auditory awareness of each child;



failing to properly train, hire, and supervise its employees; and failing to maintain a safe environment for children.

28. Defendant's negligent acts and/or omissions, and breach of duties, directly and proximately caused injury to Plaintiffs, which resulted in significant damages.

### **Count Two – Negligence Per Se**

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

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

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

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

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

### **Count Three – Gross Negligence**

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

35. Defendant's conduct was more than momentary thoughtlessness or inadvertence. Rather, the acts and/or omissions by Defendant in the preceding paragraphs constitute gross negligence as that term is defined in Texas Civil Practices and Remedies Code §41.001(11).

36. Defendant's conduct involved an extreme degree of risk, considering the probability and magnitude of potential harm to the Plaintiffs. Defendant had actual, subjective awareness of the risk involved, but, nevertheless, proceeded in conscious indifference to the rights, safety, or welfare of Plaintiffs or of others similarly situated.

37. The above acts and/or omissions were singularly and cumulatively the proximate cause of the occurrence in question and the resulting injuries and damage sustained by Plaintiffs.

#### **Count Four – Negligent Activity**

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

39. Defendant was the owner, operator, and/or possessor of the daycare premises located at 6501 Legacy Drive, Suite 6025, Plano, Texas 75024, operation license number 506081, during the time of this incident.

40. At the time of the Incident, G.C. was a minor child placed in the care of Defendant and was thus an “invitee” to whom Defendant owed a duty to exercise ordinary care.

41. Plaintiffs’ injuries were the direct and contemporaneous result of Defendant’s ongoing negligent activity on the premises at the time of the injuries and damages sustained.

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

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

#### **RESPONDEAT SUPERIOR**

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

45. The negligence, carelessness, and callousness of Defendant's employees proximately caused the damage and losses suffered by Plaintiffs as a result of the injury. At all times material to this action, Defendant's employees were acting in the course and scope of their employment. Accordingly, Defendant may be held responsible for its employees' negligence under the doctrine of respondeat superior.

### **DAMAGES**

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

47. As a direct and proximate cause of Defendant's negligent acts and/or omissions, Plaintiff Jocelyn Carter, individually, and as Next Friend of Plaintiff G.C., a minor child, suffered damages and injuries that include, but are not limited to:

- a. Physical pain and suffering in the past;
- b. Physical pain and suffering, in reasonable probability, sustained in the future;
- c. Mental anguish in the past;
- d. Mental anguish, in reasonable probability, sustained in the future;
- e. Reasonable and necessary medical expenses in the past;
- f. Reasonable and necessary medical expenses, in reasonable probability, sustained in the future;
- g. Loss of wages in the past;
- h. Loss of wages, in reasonable probability, sustained in the future;
- i. Loss of wage-earning capacity in the past;
- j. Loss of wage-earning capacity, in reasonable probability, sustained in the future;
- k. Physical impairment in the past;

- l. Physical impairment, in reasonable probability, sustained in the future;
- m. Loss of the normal enjoyment of the pleasure of life in the past;
- n. Loss of the normal enjoyment of the pleasure of life, in reasonable probability, sustained in the future;
- o. Costs of suit; and
- p. All other relief, in law and equity, to which Plaintiffs may be entitled.

48. Plaintiffs' damages clearly exceed the minimum jurisdictional requirements for this Court. Plaintiffs, therefore, seek compensation by the Court and jury for their damages, in an amount to be determined by the jury.

#### **EXEMPLARY DAMAGES**

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

50. Plaintiffs would further show that the acts and/or omissions of the Defendant complained of herein were committed knowingly, willfully, intentionally, with actual awareness, and with the specific and predetermined intention of enriching said Defendant at the expense of Plaintiffs.

51. The grossly negligent conduct of Defendant, as described herein, constitutes conduct for which the law allows the imposition of exemplary damages. Accordingly, Plaintiffs seek the award of exemplary damages against Defendant pursuant to Chapter 41 of the Texas Civil Practices and Remedies Code.

#### **JURY TRIAL**

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

**U.S. LIFE TABLES**

53. Notice is hereby given that Plaintiffs intend to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendant be cited to appear and answer herein and upon final hearing hereof, they take, have and recover, of and from said Defendant, the above damages, exemplary damages, costs of court, pre-judgment interest, post-judgment interest, and for such other and further relief to which they may show themselves justly entitled.

Dated: July 23, 2024.

Respectfully submitted,

**THE BUTTON LAW FIRM**

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### **Automated Certificate of eService**

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Filing Code Description: Plaintiff's Original Petition (OCA)  
Filing Description: Original Petition and Jury Demand  
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Associated Case Party: Jocelyn Carter

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Russell Button		service@buttonlawfirm.com	7/23/2024 4:10:08 PM	SENT