

Plaintiff is asserting both a wrongful death claim, Individually and as Next Friend of F.G., minor, and a survival claim on behalf of Dr. Talat Jehan Khan's estate.

3. Plaintiff Ahmed Gohan Khan is a resident of the State of Washington. Plaintiff is asserting a wrongful death claim.

4. Defendant, Knightvest Management, LLC ("Knightvest Management"), is a Domestic Limited Liability Company with its principal office in Dallas County, Texas. Knightvest Management may be served with process through its registered agent, Knightvest, LLC, 5728 LBJ Freeway, Suite 400, Dallas, Texas 75240.

5. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of "Knightvest Management, LLC" with regard to the events described in this Petition. Plaintiffs expressly invoke the right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion of any party or of the Court.

6. Defendant, Knightvest, LLC ("Knightvest"), is a Domestic Limited Liability Company with its principal office in Dallas County, Texas. Knightvest may be served with process through its registered agent, David S. Moore, 5728 LBJ Freeway, Suite 400, Dallas, Texas 75240.

7. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of "Knightvest, LLC" with regard to the events described in this Petition. Plaintiffs expressly invoke the right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion of any party or of the Court.

8. Defendant, Massandra KV Regency, LLC ("Massandra"), is a Foreign Limited Liability Company with its principal office in Dallas County, Texas. Knightvest may be served

with process through its registered agent, Knightvest, LLC, 5728 LBJ Freeway, Suite 400, Dallas, Texas 75240.

9. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of “Massandra KV Regency, LLC” with regard to the events described in this Petition. Plaintiffs expressly invoke the right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion of any party or of the Court.

10. Defendant, Massandra KV Regency, LLC d/b/a Alys Luxury Living (“Alys Luxury Living”), is a company with its principal office in the State of Texas. Alys Luxury Living may be served with process through its registered agent, Knightvest, LLC, 5728 LBJ Freeway, Suite 400, Dallas, Texas 75240.

11. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of “Alys Luxury Living” with regard to the events described in this Petition. Plaintiffs expressly invoke the right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time upon the motion of any party or of the Court.

III.
MISNOMER/ALTER EGO

12. In the event any parties are misnamed or are not included herein, it is Plaintiffs’ contention that such was a “misidentification,” “misnomer,” and/or such parties are/were “alter egos” of parties named herein. Alternatively, Plaintiffs contend that such “corporate veils” should be pierced to hold such parties properly included in the interest of justice.

IV.
JURISDICTION

13. This Court has jurisdiction of the subject matter of this lawsuit and the amount in controversy is above the minimum jurisdictional limits of this Court. Plaintiff is seeking monetary relief over \$1,000,000.

V.
VENUE

14. Venue is proper in Dallas County, Texas pursuant to §15.002(a)(3) of the Texas Civil Practice and Remedies Code because Dallas County is the county where the principal place of business for Defendants is located. Because Plaintiffs have established proper venue against one defendant, the Court also has venue over all of the defendants in all claims or actions arising out of the same transaction, occurrence, or series of transactions or occurrences, thus venue is proper in Dallas County, Texas as to all Defendants in this case. TEX. CIV. PRAC. & REM. CODE §15.005.

VI.
FACTS

15. Dr. Talat Jehan Khan resided at the Alys Luxury Living Townhomes located at 15000 Mansions View Drive, Conroe, Texas, 77384 (“apartment complex”). Defendants Knightvest Management, Knightvest, Massandra and Alys Luxury Living owned, operated, managed and maintained the apartment complex. On or about October 28, 2023, Dr. Talat Jehan Khan, was outside her apartment when she was attacked (hereafter the “Incident”). The assailant stabbed Dr. Talat Jehan Khan multiple times before fleeing through the ill-maintained and inoperable entry and exit gates located at the apartment complex. As a result of the Incident, Dr. Talat Jehan Khan, suffered fatal injuries and Plaintiffs, Gohar Fahim Khan, Individually and as Representative of the Estate of Dr. Talat Jehan Khan and as Next Friend of F.G., minor, and

Ahmed Gohar Khan, suffered serious and significant injuries and damages following the loss of their wife and mother.

16. Upon information and belief, the crime statistics indicate that at the apartment complex, from the end of 2018 through the end of 2023, there were two (2) dead bodies, seven (7) assaults, and eight (8) burglaries. Upon information and belief, the crime statistics indicate that within half a mile of the apartment complex, from the end of 2018 through the end of 2023, there were seven (7) dead bodies, forty-six (46) assaults, and forty-nine (49) burglaries. Upon information and belief, the crime statistics indicate that within two and a quarter mile of the apartment complex, from the end of 2018 through the end of 2023, there were eight (8) dead bodies, sixty-six (66) assaults, and sixty (60) burglaries.

VII.
CAUSES OF ACTION AGAINST DEFENDANTS

A. NEGLIGENCE

16. At the time and on the occasion in question, Defendants Knightvest Management, Knightvest, Massandra and Alys Luxury Living committed acts and omissions, which collectively and separately constituted negligence. Defendants had a duty to exercise ordinary care, meaning the degree of care that would be used by an entity of ordinary prudence under the same or similar circumstances. Defendants breached that duty in one or more of the following ways:

- a. Failing to properly maintain, service and repair the entry and exit gates to the apartment complex;
- b. Failing to enact adequate safety and/or security policies and procedures to protect Plaintiffs, Dr. Talat Jehan Khan, decedent, and other tenants from a known potential risk of harm;
- c. Failing to provide any safety and/or security measures to reasonably protect or warn Plaintiffs, Dr. Talat Jehan Khan, decedent, and other tenants from a known potential risk of harm and/or inherently dangerous condition;

- d. Failing to warn Plaintiffs, Dr. Talat Jehan Khan, decedent, and other tenants of the risk of criminal acts of third parties at the apartment complex;
- e. Failing to hire safety and/or security personnel despite knowing the foreseeable risk of harm from criminal third parties at the apartment complex;
- f. Failing to adequately train or supervise security or safety personnel, despite knowledge of the foreseeable risk of harm from criminal third parties; and
- g. Other acts or omissions deemed negligent.

17. Such negligence, either singularly or in combination, proximately caused Dr. Talat Jehan Khan's untimely death and Plaintiffs' injuries and damages.

B. PREMISES LIABILITY

18. Plaintiffs were paying tenants of the apartment complex at the time of the Incident, thus Plaintiffs and Dr. Talat Jehan Khan, decedent, were invitees of Defendants.

19. Defendants owed Plaintiffs, and Dr. Talat Jehan Khan, decedent, a duty to protect and warn of criminal acts of third parties. Defendants knew of these risks in their apartment complex, reflected in the number of crimes—including burglaries, aggravated assaults and gun violence—occurring in and around the immediate vicinity of the apartment complex prior to the Incident.

20. Defendants breached their duty owed to Plaintiffs and Dr. Talat Jehan Khan, decedent, by failing to use ordinary care to take reasonable and adequate precautions, provide reasonable safety or to provide an adequate warning to Plaintiffs and Dr. Talat Jehan Khan, decedent, of an unreasonable risk of harm that Defendants, as reasonable and prudent owners, managers and operators of the apartment complex, knew or should have known about. Defendants failed to exercise that degree of care that a reasonable and prudent apartment owner and operator would have under the same or similar circumstances.

21. Defendants' failure to take reasonable steps to protect against criminal acts of third parties, even following similar recent criminal activity, proximately caused Dr. Talat Jehan Khan's untimely death and Plaintiffs' injuries and damages. Further, the knife attack was reasonably foreseeable, and it was a fundamental obligation of Defendants as the premises owners, managers and operators to take reasonable steps to prevent this terrible act, which could have been avoided, and which was a non-delegable duty.

C. GROSS NEGLIGENCE

22. Plaintiffs allege that all acts, conduct, and/or omissions on the part of Defendants, taken singularly or in combination, constitute gross negligence and were the proximate cause of Dr. Talat Jehan Khan's untimely death and Plaintiffs' injuries and damages. Defendants' acts and/or omissions, when viewed objectively from 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. 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.

VIII.
WRONGFUL DEATH & SURVIVAL CLAIMS

23. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.
24. Plaintiff, Gohar Fahim Khan, is the husband of Dr. Talat Jehan Khan, decedent.
25. Plaintiff, F.G., minor, is the natural child of Dr. Talat Jehan Khan, decedent.
26. Plaintiff, Ahmed Gohar Khan, is the natural child of Dr. Talat Jehan Khan, decedent.

27. Defendants' conduct is actionable because Dr. Talat Jehan Khan's death was caused by wrongful acts and/or omissions, including, but not limited to, Defendants' negligence and gross negligence detailed above.

28. Because the wrongful conduct of Defendants, as described above, caused the death of Dr. Talat Jehan Khan, and because Dr. Talat Jehan Khan, decedent, would have a cause of action against Defendants for her injuries had she lived, Plaintiffs have a cause of action against Defendants to recover damages for the wrongful death of Dr. Talat Jehan Khan, decedent, pursuant to TEX. CIV. PRAC. & REM. CODE §§ 71.002 and 71.003.

29. Further, Plaintiff, Gohar Fahim Khan, as personal representative of the Estate of Dr. Talat Jehan Khan, decedent, asserts a survival claim on behalf of Dr. Talat Jehan Khan, for the serious injuries, conscious pain and suffering, and mental anguish Dr. Talat Jehan Khan suffered as a result of this Incident and prior to her untimely death. As a result of the wrongful conduct of Defendants as described above, Dr. Talat Jehan Khan, decedent, suffered physical pain and mental anguish prior to her death. Additionally, her Estate incurred medical and funeral expenses, for which Defendants are liable. The Representative of the Estate of Dr. Talat Jehan Khan, decedent, asserts the above-pled causes of action against Defendants on behalf of the Estate of Dr. Talat Jehan Khan, decedent, pursuant to TEX. CIV. PRAC. & REM. CODE § 71.021.

30. Defendants had a duty to properly maintain, service and repair the apartment premises, including the vehicle entry and exit gates, in such a way as to prevent foreseeable events, such as the Incidents, from occurring. Dr. Talat Jehan Khan's death and Plaintiffs injuries and damages were proximately caused by Defendants' negligent, grossly negligent, careless, and reckless disregard of said duty.

IX.
DAMAGES

31. As a result of this Incident, Dr. Talat Jehan Khan, decedent, sustained serious and fatal injuries and Plaintiffs sustained serious injuries. Plaintiffs therefore seek compensation for the following damages:

- a. Past physical pain and suffering of Decedent;
- b. Past mental anguish of Decedent;
- c. Decedent's medical and funeral expenses;
- d. Past and future lost wages or loss of earning capacity;
- e. Past and future pecuniary and nonpecuniary wrongful death damages including the loss of inheritance, loss of care and affection, loss of support, loss of services, loss of advice, loss of counsel, and loss of contributions of a pecuniary value;
- f. Cost of suit;
- g. Loss of consortium;
- h. Pre-judgement and post-judgement interest; and
- i. Any and all other damages in which Plaintiffs may be justly entitled.

32. This claim for damages is based upon the facts and legal theories more fully set out herein.

X.
PRESERVATION OF EVIDENCE

33. Plaintiff hereby requests and demands that Defendants preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit, or the damages resulting therefrom, including photographs; videotapes; audiotapes; recordings; business or medical records; bills; estimates; invoices; checks; correspondence; memoranda; files; facsimiles; email; voice mail; text messages; investigation; cellular telephone records; calendar entries; and any electronic image, data, or information related to Plaintiff, the referenced incident,

or any damages resulting therefrom. Failure to maintain such items will constitute spoliation of the evidence.

PRAYER

Plaintiffs pray that Defendants be cited in terms of law to appear and answer herein. Upon final trial by jury, which is hereby demanded, Plaintiffs are entitled to recover damages from Defendants in accordance with the evidence; that Plaintiffs recover costs of court herein expended; that Plaintiffs recover interest to which Plaintiffs are justly entitled under the law, both prejudgment and post-judgment; that Plaintiffs recover actual damages; that Plaintiffs are entitled to recover compensatory damages; and for such other further relief, both general and special, both in law and in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

**ABRAHAM, WATKINS, NICHOLS,
AGOSTO, AZIZ & STOGNER**

/s/ Muhammad S. Aziz

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