

**2017CI09033**

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

**JUAN VASQUEZ  
And WHAT'S ON SECOND, INC.**

**VS.**

**GSW SPORTS, LLC aka  
"GOLDEN STATE WARRIORS"  
And ZAZA PACHULIA**

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**IN THE DISTRICT COURT  
  
OF BEXAR COUNTY, TEXAS  
  
408TH  
  
\_\_\_\_\_ JUDICIAL DISTRICT**

**PLAINTIFFS' ORIGINAL PETITION  
AND APPLICATION FOR TEMPORARY RESTRAINING ORDER  
AND TEMPORARY INJUNCTION**

Plaintiffs JUAN VASQUEZ and WHAT'S ON SECOND, INC. complain of Defendant GSW SPORTS, LLC A/K/A "GOLDEN STATE WARRIORS' and Defendant ZAZA PACHULIA A/K/A ZAZA PACHULIA and for causes of action would show:

**I.  
DISCOVERY CONTROL PLAN AND REQUEST FOR DISCLOSURE**

1. Plaintiffs request that this lawsuit proceed with a Level 1 Discovery Control Plan pursuant to Texas Rule of Civil Procedure 190.4.

2. Pursuant to Texas Rule of Civil Procedure 194.2, Plaintiffs hereby requests that the Defendants provide the information required by Texas Rule of Civil Procedure 194.

3. The damages sought in this case are within the jurisdictional limits of this court and are below \$73,000.00.

**II.  
PARTIES**

4. Plaintiff JUAN VASQUEZ is an individual raised in San Antonio, Texas.

5. Plaintiff WHAT'S ON SECOND, INC. is a Texas corporation organized under the laws of the State of Texas. Its principal place of business is located in San Antonio, Texas.

6. Defendant GSW SPORTS, LLC AKA "GOLDEN STATE WARRIORS" is a foreign corporation. It may be served with process at its corporate headquarters at 1011 Broadway, Oakland, CA 94607.

7. Defendant ZAZA PACHULIA aka ZAUR PACHULIA is a foreign national who may reside outside of the State of Texas but who may be found in the City of San Antonio, Texas.

### III.

#### VENUE AND JURISDICTION

8. Venue is proper in Bexar County, Texas pursuant to the following provisions:

- A) Bexar County is the county in which one of the Plaintiffs resides at the time of the accrual of the cause of action as provided by TEX. CIV. PRAC. & REM. CODE § 15.002(a)(4);
- B) Bexar County is the county in which Defendant Pachulia will reside at the time of the potential accrual of the causes of action herein as provided by TEX. CIV. PRAC. & REM. CODE § 15.002(a)(2); and
- C) Bexar County in which Defendant Pachulia may be found as provided by TEX. CIV. PRAC. & REM. CODE § 15.039.

9. Personal Jurisdiction over Defendants Pachulia and Golden States Warriors is proper in the State of Texas because Defendants have invoked the specific and general jurisdiction of the State by regularly conducting business in the State of Texas and by maintaining sufficient minimum contacts with the State so as to justify

invoking the jurisdiction of the Texas Courts. Moreover, Defendant Zaza Pachulia will be found in the State of Texas.

#### IV.

#### FACTUAL BACKGROUND

10. Plaintiff Juan Vasquez is a devoted, life-long fan of the San Antonio Spurs of the National Basketball Association (NBA). His family were Spurs season ticket holders and he was a fan of the Spurs when they were not the incredibly successful and model franchise that they now are and, being raised in San Antonio, has grown with the team throughout his life, modelling his own quest for personal and professional excellence and distinction as the team and organization have themselves also sought and attained the highest level of success, sportsmanship, and ethics.

11. Plaintiff Vasquez, individually, and on behalf all others similarly situated, are San Antonio Spurs season ticket holders. As a season ticket holder, Plaintiff expects that members of the team he supports will not be targeted for injury.

12. As such, Plaintiff Vasquez has invested considerable personal time and financial resources to support the team in good times and in not so good of times. He does so, in part, as a season ticket holder. His level of financial investment has qualified him for floor seats and charter seats at the beautiful AT&T Center, where the Spurs host their games. He dutifully complies with the requirements of all season ticket holders and routinely offers some of his beloved seat tickets for sale to the general public as a way of "sharing the love," He does so in strict compliance with the requirements of the team and of the NBA. It was his expectation to do so for the Western Conference finals series involving the Golden State Warriors as the Spurs journeyed in the "Race for Seis", their

quest for their 6<sup>th</sup> NBA Championship. Successfully doing so would have resulted in a financial recovery for him and great opportunities for the Spurs Nation (those who would have had the opportunity to buy tickets).

13. Plaintiff What's On Second, Inc. is a San Antonio-based sports and memorabilia store that fosters love of professional sports by offering its customers and visitors a plentiful variety of trading cards, sports celebrity autographs, professional team jerseys and all manner of collector's items. Its most popular and heartfelt inventory is its impressive supply of items dedicated to satisfying the thirst of fans and admirers of the National Basketball Association's San Antonio Spurs and its most valuable player and two time reigning NBA Defensive Player of the Year Kawhi Leonard. When the Spurs do well in their season, the business of the Plaintiff's store increases as well. It expected to do well as the Spurs did well in previous successful playoff runs.

14. Professional sports are a big business. However, more than that, a banned and prohibited "dirty" play like the kind that Defendant, Pachulia engaged in, not only has an impact on those handful of people on the court, but others as well. Notably, dirty play and intentional targeting also has an impact on the many others who have committed resources to be part of the experience. Season-ticket holders and other businesses such as What's On Second, Inc. have committed financial resources to be part of the NBA experience.

15. Professional sports teams play games in front of stadiums and arenas full of fans that have paid to be there, many of whom have committed to being there for an entire season and potential post season at great emotional and financial expense to them.

16. The Golden State Warriors and Zaza Pachulia on May 14, 2017, subsequent to the purchase of tickets by Plaintiff, without excuse or justification, intentionally and maliciously invaded the landing zone of an opposing athlete, Kawhi Leonard, thereby devastating:

- the quality of the Spurs' chances of being competitive and having additional games in their home arena, both in the Western Conference Finals and also potentially in the NBA Finals
- the value of the tickets purchased by Plaintiff subsequent to their purchase

17. In an interview on May 15, 2017, the Head Coach of the San Antonio Spurs recalled previous instances where Zaza Pachulia acted in a similar malicious manner. Specifically, Coach Popovich noted that:

*"A two-step, lead-with-your-foot close-out is not appropriate. It's dangerous. It's unsportsmanlike. It's just not what anybody does to anybody else.*

*"And this particular individual has a history with that kind of action. You can go back and look at Dallas games where he got a flagrant two for elbowing Patty Mills. The play where he took Kawhi down and locked his arm in Dallas and could have broken his arm. Ask David West, his current teammate, how things went when Zaza was playing for Dallas and he and David got into it.*

*"And then think about the history he's had and what that means to a team, what happened last night: a totally unnatural closeout that the league has outlawed years ago and pays great attention to it."*

18. Pachulia, individually, and as an employee of the Defendant Golden State Warriors, not only intentionally hurt the Spurs, its top player, and caused them to lose a game they were winning by twenty-three (23) points in the third quarter and at the time of the intentional injury against Kawhi Leonard, he also hurt the fans back in San Antonio who now have a diminished value of their season ticket package and the businesses such as sports card shops and others who rely on the Spurs to achieve their maximum value.

19. On Mother's Day 2017, May 14, 2017, the San Antonio Spurs travelled to participate in Game 1 of the NBA Western Conference Finals against the Golden State Warriors of whom Defendant Zaza Pachulia is a team member. The national media has never truly appreciated the refined excellence and the wholesome team concept that the San Antonio Spurs have represented over the last decade or so under the leadership of its capable, responsible, and beloved owners and its legendary head coach, Coach Greg Popovich. Accordingly, the national media almost unanimously predicted the Golden State Warriors would prevail in the best of 7 series of the NBA Western Conference Finals. ESPN's online experts predicated unanimously, 22-0, that the Spurs would lose to the Warriors. The Spurs nevertheless summoned their inner strength and bolted to a commanding lead in the game.

20. At the 7:57 mark remaining in the third quarter, however, the game forever changed. It changed because of the improper, tortious, and unlawful acts of Defendant

Zaza Pachulia. In the words of beloved Spurs Coach Greg Popovich, a multiple NBA Coach of the Year award recipient, the Defendant's actions were "inappropriate"; they were "dangerous" and "unsportsmanlike."<sup>1</sup>

21. With the Spurs leading by 23 points, Spurs superstar Kawhi Leonard, the Spurs' leading scorer with 26 points at the time, jumped gracefully high in the air to throw in yet another score. Maliciously, Defendant Zaza Pachulia inappropriately slid his foot under Leonard, who was still high in the air in mid-shot and at his most vulnerable, in a movement that was either intended to injure Leonard at the time or, at an absolute minimum, was reckless and indifferent to the potential for injury that his "unnatural" actions would inflict upon the Spurs leader, the great artist, Kawhi Leonard. This was not only unsportsmanlike, but it was dangerous, and constitutes an assault, way outside the bounds of the game of basketball. Video footage reveals that the Leonard assault was the only time during the entire game when Defendant Pachulia improperly slid his foot under or "closed out" under a shooter like he did against Leonard in the Third Quarter.

22. As a proximate cause of Defendant's unnatural acts, Kawhi Leonard's ankle suffered even more injury and resulted in his complete exit from the game. At the time of the intentional injury, there was less than 8 minutes left in the third quarter and the Spurs' star player was dominating at both ends of the court. Kawhi Leonard had scored 26 points and was on pace for another huge night. More importantly, he is the reigning two time NBA Defensive Player Of The Year. The only chance for the Golden State Warriors to win Game 1 and to stop the Spurs' steamroll was to intentionally injure

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<sup>1</sup> See Coach Popovich interview at <http://www.nba.com/article/2017/05/15/san-antonio-spurs-gregg-popovich-sounds-golden-state-zaza-pachulia>

and take out Kawhi Leonard. The Spurs' dominating team momentum was immediately deflated by the injury and exit of their teammate. This shift in energy set in motion a cascade of events that first resulted in the loss of the Spurs' star scorer, who was forced to retreat into the locker room to be attended to by the trainers in hopes of a return for later in the Conference Finals series. Leonard's injury and his exit from the game caused a loss of Game 1, an expected absence from Game 2, and then ultimately to injury to the Plaintiffs and to the entire Spurs Nation. Defendant's "unnatural" actions were outside the scope of the game and a foul was half-heartedly imposed upon him by the NBA game officials. Nevertheless, the damage was done to the Spurs and to the Plaintiffs.

## V.

### CAUSES OF ACTION

23. As a veteran NBA player, Defendants GSW and Zaza Pachulia knew or should have known that season ticket holders invest substantial sums of money in their tickets and that an entire industry is devoted to providing fans of the respective sports teams the memorabilia and other items that they desire to purchase with which to express their devotion to their respective teams. Accordingly, Defendants knew that persons such as Plaintiff Vasquez would have season tickets to the Spurs games and playoff games in particular, and that persons such as Plaintiff would own and operate sports card and memorabilia stores where its devotion would constitute its trade or business.

24. Defendant Pachulia's conduct in playing outside the rules of the game evidences the inappropriate and improper nature of the act that he perpetrated. With



such conduct, Defendants interfered with the prospective relationship between Plaintiff Vasquez and prospective and existing purchasers of his extra, unassigned seats, and interfered with the prospective and existing relationship that was destined to arise between Plaintiff What's On Second, Inc.'s store and its existing and potential customers and other visitors to its business. This interference caused injury to the Plaintiffs and they have suffered actual financial losses and compensable damages.

25. These actions constitute tortious interference with prospective business relations and tortious interference with existing contracts for which Plaintiffs seek compensation in amounts determined by the trier of fact but in no event greater than the sum of \$73,000.00. The requested damage amount, an estimate of Plaintiffs' combined financial losses, is composed of the sum of the jersey numbers for Spurs legends David Robinson (51), Tim Duncan (21), and that of injured current star Kawhi Leonard (2).

#### **VIII.**

##### **INTENT TO USE DOCUMENTS**

26. Pursuant to Rule 193.7 of the Rules of Civil Procedure, Plaintiffs hereby give notice of the intent to use any documents produced by any party in this case.

#### **IX.**

##### **CONDITIONS PRECEDENT**

27. All conditions precedent to Plaintiffs' right to recover and Defendants' liability have been satisfied.

#### **X.**

##### **TEMPORARY RESTRAINING ORDER**

28. Pursuant to Texas Rule of Civil Procedure 680, Plaintiffs seek a temporary restraining order as against Defendants to prohibit such dangerous and unnatural

actions from occurring again during the Western Conference Finals series involving the San Antonio Spurs.

29. Plaintiffs believe and rely upon the expert conclusion of well-respected and future Hall of Fame Coach Greg Popovich who has observed Defendant Zaza Pachulia engage in the same or similar conduct as a member of different NBA teams. In fact, Coach Popovich has concluded that Defendant Pachulia's observable "history" of banned and prohibited play makes this type of injury likely to occur again. In the words of Coach Pop, "this guy's history is different." Similarly, Defendant Golden State Warriors have a history of inappropriate physical injury to opposing players. One need to look no further than last year's NBA Finals, when Warriors player Draymond Green intentionally kicked Cleveland Cavaliers star player LeBron James in the groin. In fact, Coach Pop opines that Defendant Pachulia's "history exacerbates the situation." Accordingly, unless the Court enters a temporary restraining order restraining Defendant Pachulia from engaging in such tortious and improper conduct again, further injury to the Spurs' prospect of winning the "Race for Seis" could occur and thus could further injure and damage the Plaintiffs' interests as outlined above.

#### XI.

30. There is no adequate remedy at law available to the Plaintiffs to prevent Defendants from engaging in the same conduct again. Although San Antonio fans are circulating a petition to have Defendant Zaza Pachulia banned from the NBA<sup>2</sup>, such a petition is unlikely to move the NBA from taking affirmative steps to modify his and the Golden State Warriors behavior and more players and more fans such as the Plaintiffs

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<sup>2</sup> See the Petition at <https://www.change.org/p/nba-ban-zaza-pachulia-from-the-nba-70e03937-5d0d-4e89-882c-02c88fc9e3da>

will be injured unless the Court grants immediate relief restraining such conduct. Plaintiffs would pray that this Court enter a temporary restraining order enjoining, prohibiting, and restraining the Defendant from engaging in such harmful and unnatural conduct and thus prevent immediate irreparable harm to any Spurs players and Plaintiffs.

**XIII.**

31. Plaintiffs would further pray that the Court set a hearing on a temporary injunction in this matter.

**XV.**

32. Plaintiffs requests that the Court, after due notice and hearing, grant a temporary injunction that enjoins, prohibits, and restrains Defendant from engaging in such conduct during the rest of the NBA season or at least until this case is ultimately presented to the finder of fact in a trial of this matter.

**XVI.**

**PRAYER FOR RELIEF**

33. WHEREFORE, PREMISES CONSIDERED, Plaintiffs Juan Vasquez and What's On Second, Inc. request that Defendants Zaza Pachulia and GSW Sports, LLC be cited to appear and answer and, that on final trial, Plaintiffs be awarded the following:

- a. Judgment against Defendants for a sum within the jurisdictional limits of the Court for all their actual and exemplary damages in a sum determined by the trier of fact but in no event greater than \$73,000.00;

b. A Temporary Restraining Order be issued without notice to Defendants and that Defendants and others named herein be restrained from engaging in the conduct described above; and

c. Such other and further relief to which Plaintiffs may be justly entitled.

GO SPURS GO!!!!

Respectfully Submitted,

 kennard  
richard P.C.



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