

CAUSE NO. _____

KAREN SUE BONNER,	§	IN THE DISTRICT COURT OF
JAMES BONNER, SR. and	§	
TERA ANN SHUMAKER, as PERSONAL	§	
REPRESENTATIVE OF THE ESTATE OF	§	
JAMES "L.B." BONNER, JR.	§	
	§	_____ JUDICIAL DISTRICT
v.	§	
	§	
MEGALOMEDIA, INC.,	§	
MEGALOMEDIA, LLC	§	
MANSFIELD FILMS, LLC.,	§	
and	§	
DBA HOLDINGS, L.L.C.	§	HARRIS COUNTY, TEXAS
	§	

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs, Karen Sue Bonner, James Bonner, Sr. and Tera Ann Shumaker, as Personal Representative of the Estate of James "L.B." Bonner, Jr., file this Original Petition against Defendants Megalomedia, Inc., Megalomedia Studios, L.L.C., Mansfield Films, LLC and DBA Holdings, L.L.C and, for cause of action, would respectfully show this Honorable Court the following:

SUMMARY OF LAWSUIT

This case is a hard push back on reality shows in the United States. The deceased, James "LB" Bonner, Jr., died as a result of a push for profit by a company that exploits those it profiles. His parents and family seek a monetary verdict to change the reality show industry.

Reality shows now dominate television viewer ratings. Given the curiosity of viewers regarding other peoples' lifestyles, and unusual life situations, the low production cost of creating and producing such reality shows, along with the history of large profits for production companies who are able to create popular shows and sell them, such reality shows continue to proliferate. "My 600-lb Life" is as example of one of those reality shows that a production company spent

little investment in, but was able to sell for a large profit to a major network. Unfortunately, as with My 600-lb Life, those that create and produce these shows, many times do so to the detriment to those that are featured therein.

When filming these shows, it has become common place for those that produce, direct, and ultimately sell these “reality shows” to manipulate those being featured to create drama between or amongst family members, force “entertaining” story lines, plant ideas to the participants, exploiting relationships and awkward situations, and pushing unbeknownst, unpaid participants to the edge of an emotional cliff. Sadly, this has become the norm in an effort to boost ratings and increase profits—yet, those who are exploited and suffer never share in such profits.

Due to their drive to boost ratings and create drama, the producers of My 600-lb Life literally killed LB Bonner. Shockingly, the producers of the show were directly related to the medical doctor who performed the surgery on LB Bonner — Dr. Younan Nowzaradan, also known as “Dr. Now.” Dr. Now is charged by Texas law, medical ethics and basic morality to protect LB Bonner, but he instead allowed his son, and his son’s production company, to influence the care of, or lack thereof, of LB Bonner. Ultimately, Defendants’ negligence and gross negligence resulted in the untimely death of LB Bonner.

I. DISCOVERY LEVEL/ RULE 47 STATEMENT

Plaintiffs intend to conduct discovery under Level 3 of the Texas Rules of Civil Procedure Rule 190.3.

Plaintiffs seek monetary relief well in excess of \$1,000,000.00.

II. PARTIES

Plaintiff Karen Sue Bonner is the mother of the deceased. Mrs. Bonner is a resident of the State of South Carolina.

Plaintiff James Bonner, Sr. is the father of the deceased. Mr. Bonner is a resident of the State of South Carolina.

Plaintiff Tera Ann Shumaker is the sister of the deceased and has been duly appointed as the Personal Representative of the Estate of James Edward Bonner, Jr. "L.B." by the Probate Court of Lexington County, South Carolina. Tera Ann Shumaker is a resident of the State of South Carolina.

Defendant Megalomeia, Inc. is a Texas corporation, which does business in the State of Texas and has its principal place of business in Travis County, Texas. It may be served by and through its registered agent for process: Jonathan Nowzaradan at 901 Barton Springs Road Austin, Texas 78704.

Defendant Megalomeia Studios, L.L.C. is a Texas limited liability company, which does business in the State of Texas and has its principal place of business in Travis County, Texas. It may be served by and through its registered agent for process: Michael N. Saleman at 100 Congress, Suite 1100, Austin, Texas 78701.

Defendant Mansfield Films, LLC is a Texas corporation, which does business in the State of Texas and has its principal place of business in Travis County, Texas. It may be served by and through its registered agent for process: Michael N. Saleman at 100 Congress, Suite 1100, Austin, Texas 78701.

Defendant DBA Holdings, L.L.C. is a Texas limited liability company, which does business in the State of Texas and has its principal place of business in Travis County, Texas. It may be served by and through its registered agent for process: Michael N. Saleman at 100 Congress, Suite 1100, Austin, Texas 78701.

III. JURISDICTION AND VENUE

Jurisdiction is proper in this Court because the relief requested is within the jurisdictional limits of this Court. The Court may exercise personal jurisdiction over Defendants because each is formed under the laws of the State of Texas and each have their principal place of business in the State of Texas. Venue is proper in Harris County because all or a substantial amount of the events at issue took place in this county. Specifically, the core of this lawsuit involves bariatric surgery performed in Houston, Harris County, at St. Joseph's Hospital by a Houston-based doctor, Dr. Younan Nowzaradan, also known as "Dr. Now." The subject television show is rooted in Dr. Now's bariatric surgery of the deceased and other subjects whose post-surgery lives are chronicled on the show. Additionally, much of the filming of the subject television production took place in Harris County.

IV. FACTUAL BACKGROUND

This lawsuit arises from the death by suicide of James "LB" Bonner, Jr., at the age of 30. LB was taken advantage of by a reality show that was focused only on ratings, while neglecting the welfare of those who appeared on the show. His death was the result of Defendants' desire to create a TV show for profit, using LB and his family as their foils.

In 1987, Plaintiffs Karen and James Bonner, Sr. adopted LB shortly after his birth. LB had a normal and happy childhood, and engaged in the normal activities of a boy growing up in the rural south.

In 2013, LB was involved in a catastrophic all-terrain vehicle accident. As a result of the accident, doctors were forced to amputate his right leg at the knee in 2014. After this incident, LB gained a significant amount of weight. By 2017, his weight had reached over 600 pounds.

The Megalomeia Defendants produce reality television shows. Defendant Mansfield

hires independent contractors and employees to perform services for the shows that the Megalomeida Defendants produce. Defendant DBA is the parent owner of Megalomeida and Mansfield. Jonathan Nowzaradan is the principal owner and manager of all Defendants.

One of Defendants' reality television shows is called "My 600-lb Life." It has aired on the TLC television network since 2012. Generally, the show follows the lives of morbidly obese individuals and documents their attempts to reduce their weight to a healthy level. Patients are placed under the care of Houston surgeon Dr. Younan Nowzaradan, commonly known as "Dr. Now." Dr. Nowzaradan is the father of Defendants' owner Jonathan Nowzaradan.

By 2017, My 600-lb Life had had several years of success. LB contacted the show to inquire about participating. After auditioning, Defendants recruited him as a new cast member, and LB agreed to participate. Filming began in the Spring of 2017. As part of the process, Defendants flew LB to Houston where they introduced him to Dr. Nowzaradan, who took James on as a patient. In November 2017, LB and his mother Karen moved to the Houston area and LB prepared for gastric bypass surgery with Dr. Nowzaradan. LB underwent the surgery on November 17, 2017, at St. Joseph's Hospital in Houston. Defendants' film crews followed LB pre and post-surgery, filming some of his most vulnerable moments. This filming also included LB's interactions with his mother, Karen.

As a result of the surgery, LB underwent significant weight loss. Dr. Nowzaradan also placed LB on a 1200 calorie/day weight-loss diet. Ultimately, LB's weight went below 300 pounds.

James's weight loss and the filming of the television show did not come without their consequences. The gastric bypass surgery drastically reduced the size of LB's stomach. While the size of his stomach physically changed, his mental appetite did not change. This required a

significant amount of adjustment by LB. These changes caused LB extreme frustration and depression. Filming the television show required a strict schedule and conformance to all of Defendants' wishes, for the entertainment value of the show. When LB moved from South Carolina to Texas, Defendants had failed to film part of the move. In order to capture the scene, Defendants made LB drive back to South Carolina, un-pack his U-Haul and repeat the entire process over again so they could film it. Before the gastric surgery, Defendants insisted that LB consume significant amount of food on camera to emphasize his obesity and appetite for dramatic effect. Defendants required him to change his appearance and dress certain ways to assist with the dramatic elements of the show. Defendants routinely created dramatic tension between LB and his mother, Karen, for theatrical effect.

LB's episode first ran on February 14, 2018. The show received high ratings and LB became a fan favorite. As a result, and in keeping with prior show subjects, Defendant promptly resumed filming of LB for a second episode to chronicle LB's post weight loss life.

It is well known, and has been for years, that patients undergoing this type of surgery are much more likely to suffer depression and commit suicide. In 2007, the New England Journal of Medicine published a report that concluded, among other things, that deaths of surgical patient caused by accidents and suicide were 58% higher than a control group. In 2010, the American Journal of Medicine published a report of a ten-year study on surgical patients in Pennsylvania, finding that "there was a substantial excess of suicides among all patients who had bariatric surgery in Pennsylvania during a ten-year period."

Despite this literature, and although Defendants were now in their sixth season of the show and thus had extensive experience with many participants such as LB, Defendants provided absolutely no mental health assistance to LB. Instead of providing this assistance, Defendants

aggravated the situation for LB. The effects of Defendants' manipulation of LB and his family for dramatic purposes, along with the ramifications of the extreme weight loss and Defendants' demands on LB, were taking a tremendous psychological toll on LB. By the summer of 2018, LB was outwardly demonstrating signs of extreme sadness and depression. LB began expressing his frustrations with the demands the show put on him. As a temporary solution, Defendants' offered him one counseling sessions with a person that they represented to be a licensed psychotherapist. In any event, this "therapist" only saw LB one time and was only offered for follow up visits on an as-needed basis.

In addition to not providing adequate and consistent mental health therapy before and after surgery, Defendants' demands concerning LB's appearance, location and job prospects hit a fever pitch during the summer of 2018. Defendants demanded that LB shave his beard, which had always provided LB with a source of comfort. Despite his multiple written messages expressing his apprehension, Defendants continued to press him to do so. Further, Defendants also would not allow him to move from South Carolina to obtain a job in Texas until they approved his film schedule first. Additionally, and with respect to the surgery, Defendants had coordinated the handling of billing for the surgery and post-surgical care. On information and belief, Defendants and Dr. Nowzaradan arranged for the surgery to be categorized as emergency gall bladder surgery. Although Defendants had promised to pay for all charges associated with the surgery, they did not, and bill collectors began harassing LB for payment and impairing his credit.

Moreover, due to the rapid weight loss and lack of sufficient after care, LB's teeth became loose and some fell out, his vision became impaired, and he suffered from general malaise. All the while he continued to suffer psychologically and physically, the show continued to pressure

him to continue.

In June through August 2018, LB expressed suicidal thoughts and ideations on multiple occasions to Defendants, by and through the person Defendants had assigned to be his “handler”, Katherine Slaughter. LB told Ms. Slaughter, “I am a f*cked up wreck right now;” “I’m not in a good place right now it’s dark” and “I had a breakdown.” Although Ms. Slaughter appeared to recognize the danger of the situation, she did little to nothing to address it. The best she could muster to LB was the advice to “fake it till you make it.”

By early August 2018, LB had reached the end of his rope. On August 2, 2018, LB posted several messages to social media and texted friends and family members expressing his extreme sadness and indicating that he may soon take his life. On August 2, 2018, LB committed suicide by shooting himself, leaving his mother, father and three sisters to survive him.

Sadly, LB is one of six patients who have died since appearing on the show.

V. CAUSES OF ACTION: NEGLIGENCE AND GROSS NEGLIGENCE

Plaintiffs re-plead all allegations set forth above as if fully restated herein.

Defendants acted negligently in the development, production, shooting and handling of LB as a cast member of their television show. Defendants had a duty to exercise ordinary care in the development, production, shooting and handling of LB in a reasonable and prudent manner. Defendants breached that duty and Defendants’ negligence was a proximate cause of Plaintiffs’ injuries.

Defendants breached their duty of reasonable care in one or more of the following ways, among others:

- a. Failing to require a psychological evaluation of LB before he underwent the gastric bypass surgery;
- b. Failing to provide adequate mental health services to LB during filming and

particularly, following the gastric bypass surgery;

- c. Failing to train their employees regarding depression, suicidal ideation and similar symptomatology despite the known risk of depression and suicide in those undergoing this type of surgery;
- d. Causing emotional distress to LB for the purpose of ratings despite knowledge of his depression and suicidal ideation.

Each of these acts and omissions, singularly or in combination with others, constitute negligence, which was the proximate cause of LB's death and Plaintiffs' damages.

Defendants' acts and omissions, when viewed objectively from the standpoint of the Defendants' at all relevant times, involves an extreme degree of risk considering the probability and magnitude of the potential harm to others and Defendants had actual, subjective awareness of the risk involved but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others, specifically LB.

VI. DAMAGES

Plaintiffs re-plead all allegations set forth above as if fully restated herein.

Plaintiffs bring this action under the Texas Wrongful Death Statute and Survivorship Statute and seek all damages permissible under Texas law.

As a result of the wrongful death of James "LB" Bonner, Jr., Plaintiffs Karen and James Bonner, Sr. have suffered damages in the past, including termination of the parent/child relationship and severe mental anguish, and will in reasonable probability, continue to suffer damages in the future as a direct result of the wrongful death of James Bonner, in an amount which is within the jurisdictional limits of the court. Plaintiffs seek all damages allowed by Texas law for parents of victims.

Tera Ann Shumaker, the personal representative of the estate of James Bonner, Jr. asserts a survival cause of action against all Defendants pursuant to TEX. CIV. PRAC. & REM. CODE §

71.021 for all damages which the estate may be justly entitled to because of the wrongful conduct made the basis of this suit, including but not limited to: damages for the conscious pain, suffering, torment, disfigurement, mental anguish, funeral/burial expenses, loss of wages, past and future, and reasonable medical expenses.

Plaintiffs also seek exemplary damages against Defendants.

VII. REQUEST FOR DISCLOSURE

Pursuant to TEX. R. CIV. P. 194, Plaintiffs request that Defendants disclose within fifty (50) days of service of this Request for Disclosure, the information and/or material described in Rule 194.2.

VIII. JURY DEMAND

Plaintiffs respectfully demand a jury trial and tender the appropriate fee.

PRAYER

For these reasons, Plaintiffs ask that Defendants be cited to appear and answer this suit. Plaintiffs ask that this case be set for trial without delay, and that Plaintiffs recover judgment from Defendants for actual damages, punitive damages, costs and interest, in such an amount that the evidence may show and the trier of fact may determine to be proper.

Respectfully submitted,

THE BUZBEE LAW FIRM

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