

CAUSE NO. 067-314477-20

MICHAEL LEE ADAY and DEBORAH LEE
GILLESPIE ADAY,

Plaintiffs,

vs.

HYATT CORPORATION d/b/a HYATT
REGENCY DFW; and TEXAS
FRIGHTMARE WEEKEND, LLC,
Defendants.

IN THE DISTRICT COURT OF
TARRANT COUNTY, TEXAS
_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION, REQUEST FOR DISCLOSURE,
AND JURY DEMAND

Plaintiffs Michael Lee Aday and Deborah Lee Gillespie Aday file this Original Petition, Request for Disclosure, and Jury Demand and assert the following allegations and claims against Defendants Hyatt Corporation d/b/a Hyatt Regency DFW and Texas Frightmare Weekend, LLC, and pray for their damages as follows:

I.
INTRODUCTION

This lawsuit arises from the Defendants' desire to profit off the fame and reputation of Plaintiff Michael Lee Aday without doing their job of providing a basic and necessary safe environment for Michael Lee Aday.



Michael Lee Aday is better known professionally as “Meat Loaf.” For over five decades, Meat Loaf has been a famous professional Grammy-award winning singer and actor. As a rock musician, Meat Loaf is most famously known for his trilogy of *Bat Out Of Hell* (1977), *Bat Out Of Hell 2: Back Into Hell* (1994, for which Meat Loaf won a Grammy for Best Rock Performance for the #1 hit “I’d Do Anything for Love (But I Won’t Do That)”), and *Bat Out of Hell III: The Monster Is Loose* (2006). The original *Bat Out of Hell* is credited as being one of the top 10 best selling albums of all time, having sold more than 43 million copies. Meat Loaf has also appeared in over a hundred movies and television shows, including—most notably to the Defendants—the cult movie classics *The Rocky Horror Picture Show* (1975) and *Fight Club* (1999), as well as most recently the television series *Ghost Wars* (2017-2018).

The Defendants had a joint venture to put on a for-profit media convention called *Texas Frightmare Weekend* with the goal to make money. Texas Frightmare Weekend, LLC would market and organize the convention and profit from selling tickets and selling space to vendors. The Hyatt would make money from renting ballrooms and equipment, guests renting rooms, and the related increased alcohol and beverage sales from having guests to attend. But for the Defendants to make money, they need people to attend the convention. The Defendants knew that Meat Loaf would be a marketable name to help bring people to the convention, so they sought out Meat Loaf to attend and began marketing his appearance to drive up attendance from guests.

But while the Defendants focused on the profits that they would make from the event, they failed to do their job to provide a safe environment and ultimately Meat Loaf got seriously injured because of their failures. This lawsuit is being brought to hold the Defendants to account for the damages and harms caused to Meat Loaf and to send a message that in the future, the Defendants must do their job and put safety first.

II. PARTIES

1. Plaintiffs Michael Lee Aday (“Meat Loaf”) and Deborah Lee Gillespie Aday (“Deborah”) are husband and wife and residents of Nashville, Tennessee.
2. Defendant Hyatt Corporation d/b/a Hyatt Regency DFW (“Hyatt”) is a Delaware corporation authorized to do business in the State of Texas which may be served through its registered agent for service of process:

**Hyatt Corporation d/b/a Hyatt Regency DFW
c/o United States Corporation Co.
211 E. 7th Street, Suite 620
Austin, Texas 78701**

3. Defendant Texas Frightmare Weekend, LLC (“Texas Frightmare”) is a Texas limited liability company with a registered principal office at 1629 Baxter Springs Dr., Justin, TX 76247, which may be served through its registered agent for service of process:

**Texas Frightmare Weekend, LLC
c/o Andrea M. Still, CPA PC
4851 Merlot Avenue #510
Grapevine, Texas 76051**

III.
DISCOVERY PLAN

4. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 190, Plaintiffs request that this action be conducted pursuant to Level 3 of TEXAS RULE OF CIVIL PROCEDURE 190.4 and ask that the Court enter an order consistent with same.

IV.
VENUE AND JURISDICTION

5. Venue is proper in Tarrant County pursuant to TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to the claims in this case occurred in Tarrant County.

6. The Court has jurisdiction over the underlying lawsuit because the amount in controversy exceeds this Court’s minimum jurisdictional requirements.

V.
FACTUAL BACKGROUND

7. Texas Frightmare operates annual celebrity autograph events billed as the premier horror convention in the southwest. The 2019 event, Texas Frightmare Weekend, was scheduled to take place at the Hyatt from May 3 through May 5, 2019. Attendees have the opportunity to meet a number of celebrities associated with the horror film industry, purchase merchandise, and have photographs made with the celebrities. There are also a number of panel discussions or question-and-answer sessions.

8. Texas Frightmare made financial arrangements with the Hyatt at DFW Airport for convention space for their mutual benefit to conduct the 2019 celebrity autograph convention *Texas Frightmare Weekend*. Fans wishing to attend the convention could purchase tickets to attend a single day, or the entire convention. They could also purchase photo ops with various celebrities, including Meat Loaf.

9. For the 2019 Texas Frightmare Weekend event, Meat Loaf was scheduled to be one of the headline artists in attendance. On May 4, 2019, he was expected to spend the majority of the day at his tables signing autographs and taking “selfies” with fans. He was also scheduled for a session to be photographed by a professional photographer with fans.

10. At approximately 12:30 p.m. that day, Meat Loaf was participating in a question-and-answer session with fans. This session took place on a stage in the convention space. The Hyatt and Texas Frightmare had set up the stage prior to the event. Chairs for participants were placed on the stage, and the stage was set up to allow room for the participants to walk around while taking questions from the audience.

11. In setting up the stage, the Defendants hung curtains from a tall frame at the back edge of the stage. The curtains came past the bottom of the stage where participants were walking and hid where the stage ended. Therefore, when viewing the stage from the participants’ standpoint, one would be unable to determine how much space they had while walking near the curtains before they would fall off the backside of the stage. Defendants did not place any warning tape of any type on the stage to alert participants where the back edge of the stage was or place any railing or safety barrier at the back edge of the stage to prevent participants from falling off.

12. Defendants’ negligence in setting up the stage created a “trap” —a hidden hazard to people walking about the stage, making it foreseeable that people may fall off.

13. One section of the curtain was pooled on top of the stage and suspended over no foundation, giving participants the false appearance that it was an extension of the back part of the stage. However, if a participant were to step on this part of the curtain thinking they were walking on the stage, they would instead fall off of the backside of the stage since there was actually no structure below this portion of the curtain.

14. When Meat Loaf walked on the stage during the question and answer session, he put his foot down on part of the curtain that had nothing beneath it. Because there was no stage floor beneath

his foot, his foot and leg went down into air, causing him to fall off the stage, resulting in serious injuries.

15. After Meat Loaf fell off the stage he sustained serious injuries to his neck, collar bone, and shoulder. He was taken via ambulance to the emergency room at Baylor Scott & White Medical Center—Grapevine, where he stayed for 12 days.

16. On May 16, 2019, Meat Loaf was transferred from Baylor Grapevine to Centennial Medical Center in Nashville, Tennessee where he stayed for an additional 30 days.

17. After he spent 42 days in a hospital and was released, Meat Loaf had to participate in physical therapy and still has to participate in physical therapy for his injuries to this day. Meat Loaf's injuries resulting in his hospitalizations and his physical therapy were caused by the negligence of the Defendants.

18. Since he was injured at the Texas Frightmare Weekend, Meat Loaf has been unable to return to performing, causing him to sustain significant economic loss.

VI.

CAUSES OF ACTION AND CLAIMS FOR RELIEF

A. **Count One: Negligence**

19. Plaintiffs incorporate the above paragraphs by reference.

20. At all relevant times, Defendants committed the following acts and/or omissions which constitute negligence and were a proximate cause of Plaintiffs' injuries and damages:

- a. failing to act as reasonably prudent company would in the same or similar circumstances;
- b. failing to perform a risk assessment to identify potential hazards when creating and utilizing a raised stage;
- c. failing to respond to a foreseeable risk of people falling off the back of the stage by either fixing the risk, guarding against the risk, or sufficiently warning about the risk;
- d. using a curtain to hide a dangerous condition they had created, creating a trap where participants might fall off the rear of the stage;
- e. failing to install a rail or other protective device at the rear of the stage to prevent people from falling off the stage;
- f. failing to put any sort of warning tape on the edge of the stage; and

- g. failing to warn participants of the dangerous condition created by the curtains concealing the edge of the stage.

21. Defendants' negligent acts or omissions were a proximate cause of Meat Loaf's fall, as well as Plaintiffs' injuries and damages. Plaintiffs pray that, following a verdict, all such damages asserted below be awarded against Defendants.

B. Count Two: Premises Liability

22. Plaintiffs incorporate the preceding paragraphs in this count.

23. At all relevant times, Hyatt owned, occupied, possessed, exercised premises control over, or had the right to control the ballroom premises at the Hyatt DFW at which Meat Loaf was injured. Further at all relevant times, Frightmare occupied, possessed, or exercised control over the ballroom premises at the Hyatt DFW at which Meat Loaf was injured. Alternatively, Defendants had joint control over the premises. As such, Defendants owed the highest duties of care to Meat Loaf as an invitee to warn him and protect him from unreasonable risk of harm at the Hyatt DFW that existed as a result of the presence of unsafe elevated stage and the inadequacy of the safety measures in place to deal with that dangerous condition.

24. Defendants knew or reasonably should have known of the danger of the unsafe elevated stage and the inadequacy of its safety measures, all of which resulted in a dangerous condition for all Texas Frightmare panelists, including Meat Loaf. Defendants thus should have either adequately warned Meat Loaf about the danger or made reasonably safe the dangerous condition by, *inter alia*,

- a. warning the Texas Frightmare panelists, including Meat Loaf, that the stage was unsafe;
- b. having the curtains hang behind the stage instead of pooling up onto it;
- c. placing reflective tape at the back edge of the stage;
- d. installing a guard rail at the back edge of the stage;
- e. assigning safety personnel to ensure the Texas Frightmare panelists, including Meat Loaf did not walk too close to the back edge of the stage.

25. Defendants negligently failed to meet those duties, and it was foreseeable that the conditions posed such an extreme degree and unreasonable risk of harm to an invitee, like Meat Loaf, that failing to meet those duties would proximately cause damage to invitees like Meat Loaf.

26. Defendants' acts or omissions were a proximate cause of Meat Loaf's easily preventable fall, as well as Plaintiffs' injuries and damages. Plaintiffs pray that, following a verdict, all such damages asserted below be awarded against Defendants.

VII.
DAMAGES

A. Personal Injury Damages of Meat Loaf.

27. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Meat Loaf has suffered in the past, and in all probability will, for the remainder of his life, continue to suffer from the serious damages for which Plaintiffs now plead, including:

- a. Physical pain and suffering sustained in the past;
- b. Physical pain and suffering that, in reasonable probability, Meat Loaf will sustain in the future;
- c. Mental anguish sustained in the past;
- d. Mental anguish that, in reasonable probability, Meat Loaf will sustain in the future;
- e. Physical impairment sustained in the past;
- f. Physical impairment that, in reasonable probability, Meat Loaf will sustain in the future;
- g. Loss of the enjoyment of life sustained in the past;
- h. Loss of the enjoyment of life that, in reasonable probability, Meat Loaf will sustain in the future;
- i. Loss of consortium sustained in the past;
- j. Loss of consortium that, in reasonable probability, Meat Loaf will sustain in the future;
- k. Reasonable and necessary medical expenses incurred in the past;
- l. Reasonable and necessary medical care expenses that, in reasonable probability, Meat Loaf will incur in the future;
- m. Lost wages in past; and
- n. Loss of earning capacity that, in reasonable probability, Meat Loaf will sustain in the future.

28. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Plaintiffs now plead, jointly and severally, against Defendants.

B. Personal Injury Damages of Deborah Lee Gillespie Aday.

29. As a direct and proximate result of the negligent acts or omissions of the Defendants as set out above, Deborah has suffered in the past, and in all probability will, for the remainder of her life, continue to suffer from the serious injuries suffered by her husband Meat Loaf for which Plaintiffs now plead, including:

- a. Loss of household services of Meat Loaf sustained in the past;
- b. Loss of household services of Meat Loaf that, in reasonable probability, will be sustained by Deborah in the future;
- c. Loss of consortium, companionship, and society sustained in the past; and
- d. Loss of consortium, companionship, and society that, in reasonable probability, will be sustained by Deborah in the future.

30. All of the above damages are singularly and collectively within the jurisdictional limits of this Court, for which Plaintiffs now plead, jointly and severally, against Defendants.

VIII.
AGENCY

31. At all relevant times, Defendants were engaged in a joint venture or joint enterprise to operate the Texas Frightmare Weekend convention. Therefore, Defendants are jointly and severally liable for the joint venture or joint enterprise of the Texas Frightmare Weekend convention.

32. At all relevant times, Defendants had nondelegable duties to exercise reasonable care to not endanger the safety of persons, including Meat Loaf, invited on the stage at the Texas Frightmare Weekend convention. Therefore, Defendants are vicariously liable for any person or entity who constructed the elevated stage.

IX.
PRE-JUDGMENT AND POST JUDGMENT INTEREST

33. Plaintiffs request pre-judgment and post-judgment interest in accordance with the maximum legal interest rates allowable as interpreted under the laws of the State of Texas.

X.
REQUEST FOR A JURY TRIAL

34. Plaintiffs demand a jury trial on all issues so triable and submits the applicable fee contemporaneously with the filing of this Petition.

XI.
REQUEST FOR DISCLOSURES

35. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 194, Defendants are requested to disclose the information and material described in Rule 194.2. The written responses to the above requests for disclosure should conform to Rule 194.3 and the materials, documents, and/or copies of the same should be produced in compliance with Rule 194.4. The written responses, materials and/or documents are to be delivered to ALDOUS \ WALKER ^{LLP}, 4311 Oak Lawn Ave., Ste 150, Dallas, Texas 75219 as required following receipt of this request.

XII.
PRAYER

36. Plaintiffs pray that Defendants be cited to appear and answer herein, and that upon final determination of these causes of action, Plaintiffs receive a judgment against Defendants, jointly and severally, awarding the Plaintiffs as follows:

- a. Actual, compensatory, and consequential damages, in an amount in excess of the minimal limits of the Court against the named Defendants;
- b. Costs of Court;
- c. Prejudgment interest at the highest rate allowed by law from the earliest time allowed by law;
- d. Interest on judgment at the highest legal rate from the date of judgment until collected; and
- e. All such other and further relief at law and in equity to which the Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

/s/ Charla G. Aldous

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