

Cause No. **17-DCV-245662**

DARRELL CLINGMAN, ESTER §
CLINGMAN, OMAR FAROOQ AHMED, §
SHAMAICA QADEER, TAHIR AHMED, §
NUSRAT AHMED , JOSE OVIEDO §
ALVAREZ, JENNY CASTRO, MARIA §
BERNAL, CARLOS CAMPOS, CRISTINA §
CAMPOS, MOHAN BUDHRANI, ANJU §
BUDHRANI, CHIN CHEN, CHENG LIN §
LIN, UMABALA DAMA, PEDRO DESDIER, §
CATHERINE ALCOCK, JASON DUNIGAN, §
JEFFREY FERGUSON, SHAUNDRIA §
HAYNES-FERGUSON, LUIS TORRES §
GARCIA, PATRICIA E. SOTO, EILEEN §
GODREAU, DONALD JAMES GREGGS, §
VENUS GREGGS, RAHUL HEMRAJANI, §
AMI HEMRAJANI, RABIH IBRAHIM, §
DINA ABI SAAD, ARIF INDIARTO, §
PAUL KHARMATS, MILA KHARMATS, §
ABHISHEK LAKHANI, NEHA JAIN, §
VELBERT LEWIS, ADA LEWIS, §
STANLEY MILLER, EILEEN MILLER, §
CHRISTOPHER OKPARA, YEWANDE §
OKPARA, MATTHEW PATE, CHRISTINE §
HALL, MICHAEL PELAYO, FLORA §
PELAYO, RICHARD POLEY, BAIJUN KOU §
ATIQ REHMAN, FRAZIA JEHANGIER, §
SUHEL SANWARWALA, SAMINA §
SANWARWALA, VARUN SHARMA, §
POOJA SHARMA, AARON STEPHENS, §
LAKENDRA NANETTE SAKEENA, §
MICHAEL VACKER and LAURA JONES §

v. §

THE JOHNSON DEVELOPMENT CORP., §
FORT BEND COUNTY LID 19, §
RIVERSTONE HOMEOWNERS §
ASSOCIATION, INC., LEVEE §
MANAGEMENT SERVICES, LLC, §
TRENDMAKER HOMES, INC., NEWMARK §
HOMES HOUSTON LLC, PERRY HOMES, §
LLC, UNIVERSAL TITLE PARTNERS, §
LLC, CHICAGO TITLE OF TEXAS, LLC, §
CELEBRITY TITLE, CO., LLC and §
STEWART TITLE COMPANY §

IN THE DISTRICT COURT OF

FORT BEND COUNTY, TX

Fort Bend County - 400th Judicial District Court

____ DISTRICT COURT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs, DARRELL CLINGMAN, ESTER CLINGMAN, OMAR FAROOQ AHMED, SHAMAICA QADEER, TAHIR AHMED, NUSRAT AHMED, JOSE OVIEDO ALVAREZ, JENNY CASTRO, MARIA BERNAL, CARLOS CAMPOS, CRISTINA CAMPOS, MOHAN BUDHRANI, ANJU BUDHRANI, CHIN CHEN, CHENGLIN LIN, UMABALA DAMA, PEDRO DESDIER, CATHERINE ALCOCK, JASON DUNIGAN, JEFFREY FERGUSON, SHAUNDRIA HAYNES-FERGUSON, LUIS TORRES GARCIA, PATRICIA E. SOTO, EILEEN GODREAU, DONALD JAMES GREGGS, VENUS GREGGS, RAHUL HEMRAJANI, AMI HEMRAJANI, RABIH IBRAHIM, DINA ABI SAAD, ARIF INDIARTO, PAUL KHARMATS, MILA KHARMATS, ABHISHEK LAKHANI, NEHA JAIN, VELBERT LEWIS, ADA LEWIS, STANLEY MILLER, EILEEN MILLER, CHRISTOPHER OKPARA, YEWANDE OKPARA, MATTHEW PATE, CHRISTINE HALL, MICHAEL PELAYO, FLORA PELAYO, RICHARD POLEY, BAIJUN KOU, ATIQ REHMAN, FRAZIA JEHANGIER, SUHEL SANWARWALA, SAMINA SANWARWALA, VARUN SHARMA, POOJA SHARMA, AARON STEPHENS, LAKENDRA NANETTE SAKKEENA, MICHAEL VACKER and LAURA JONES("Plaintiffs"), file this Original Petition complaining of Defendants, THE JOHNSON DEVELOPMENT CORP., FORT BEND COUNTY LID 19, RIVERSTONE HOMEOWNERS ASSOCIATION, INC., LEVEE MANAGEMENT SERVICES, LLC, TRENDMAKER HOMES, INC., NEWMARK HOMES HOUSTON LLC, PERRY HOMES, LLC, UNIVERSAL TITLE PARTNERS, LLC, CHICAGO TITLE of TEXAS, LLC, CELEBRITY TITLE, CO., LLC and STEWART TITLE COMPANY ("Defendants"), and would respectfully show the following:

**I.
DISCOVERY LEVEL**

1. Plaintiffs request discovery be conducted under Level 3 in accordance with Rule 190.4 of the Texas Rules of Civil Procedure. This case is not subject to Texas Rule of Civil Procedure 169 because the damages for which Plaintiff seek exceed \$100,000.00.

**II.
REQUEST FOR DISCLOSURE**

2. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiffs request Defendants disclose, within fifty (50) days of service of this request, the information and material described in Rule 194.2 of the Texas Rules of Civil Procedure. Plaintiffs specifically request the responding parties to produce responsive documents at the undersigned law offices within fifty (50) days of service of this request.

**III.
PARTIES**

3. Plaintiffs, DARRELL CLINGMAN and ESTER CLINGMAN, reside at 4662 Millstone Canyon Ln, Sugar Land, Fort Bend County, Texas 77479.

4. Plaintiffs, OMAR FAROOQ AHMED and SHAMAICA QADEER, reside at 4427 Montcliff Bend Ct, Sugar Land, Fort Bend County, Texas 77479.

5. Plaintiffs, TAHIR AHMED and NUSRAT AHMED, reside at 4614 Montcliff Bend Ln, Sugar Land, Fort Bend County, Texas 77479.

6. Plaintiffs, JOSE OVIEDO ALVAREZ and JENNY CASTRO, reside at 4515 Hickory Branch Ln, Sugar Land, Fort Bend County, Texas 77479.

7. Plaintiffs, MARIA BERNAL, CARLOS CAMPOS, and CRISTINA CAMPOS, reside at 4503 Hickory Branch Ln, Sugar Land, Fort Bend County, Texas 77479.

8. Plaintiffs, MOHAN BUDHRANI and ANJU BUDHRANI, reside at 6622 Turlock Springs Ct, Sugar Land, Fort Bend County, Texas 77479.
9. Plaintiffs, CHIN CHEN and CHENG LIN LIN, reside at 6822 Miller Shadow Ln, Sugar Land, Fort Bend County, Texas 77479.
10. Plaintiff, UMABALA DAMA resides at 4542 Montcliff Bend Ln, Sugar Land, Fort Bend County, Texas 77479.
11. Plaintiffs, PEDRO DESDIER and CATHERINE ALCOCK, reside at 4003 Orchard Arbor Lane, Sugar Land, Fort Bend County, Texas 77479.
12. Plaintiff, JASON DUNIGAN resides at 6602 Tara Creek Ct, Sugar Land, Fort Bend County, Texas 77479.
13. Plaintiffs, JEFFREY FERGUSON and SHAUNDRIA HAYNES-FERGUSON , reside at 6731 Sotoria Ln, Sugar Land, Fort Bend County, Texas 77479.
14. Plaintiffs, LUIS TORRES GARCIA and PATRICIA E. SOTO, reside at 4538 Montcliff Bend Ln, Sugar Land, Fort Bend County, Texas 77479.
15. Plaintiff EILEEN GODREAU resides at 6618 Tara Creek Ct, Sugar Land, Fort Bend County, Texas 77479.
16. Plaintiffs, DONALD JAMES GREGGS and VENUS GREGGS, reside at 4507 Hickory Branch Ln, Sugar Land, Fort Bend County, Texas 77479.
17. Plaintiffs, RAHUL HEMRAJANI and AMI HEMRAJANI, reside at 6606 Turlock Springs Ct, Sugar Land, Fort Bend County, Texas 77479.
18. Plaintiffs, RABIH IBRAHIM and DINA ABI SAAD , reside at 4619 Montcliff Bend Ln, Sugar Land, Fort Bend County, Texas 77479.

19. Plaintiff, ARIF INDIARTO resides at 4419 Montcliff Bend Ct, Sugar Land, Fort Bend County, Texas 77479.
20. Plaintiffs, PAUL KHARMATS and MILA KHARMATS, reside at 4506 Millstone Canyon Ln, Sugar Land, Fort Bend County, Texas 77479.
21. Plaintiffs, ABHISHEK LAKHANI and NEHA JAIN, reside at 6619 Tara Creek Court, Sugar Land, Fort Bend County, Texas 77479.
22. Plaintiffs, VELBERT LEWIS and ADA LEWIS, reside at 6606 Tara Creek Court, Sugar Land, Fort Bend County, Texas 77479.
23. Plaintiffs, STANLEY MILLER and EILEEN MILLER, reside at 6811 Miller Shadow Ln, Sugar Land, Fort Bend County, Texas 77479.
24. Plaintiffs, CHRISTOPHER OKPARA and YEWANDE OKPARA, reside at 4427 Millstone Canyon Ln, Sugar Land, Fort Bend County, Texas 77479.
25. Plaintiffs, MATTHEW PATE and CHRISTINE HALL, reside at 6715 Miller Shadow Ln, Sugar Land, Fort Bend County, Texas 77479.
26. Plaintiffs, MICHAEL PELAYO and FLORA PELAYO, reside at 6642 Miller Shadow Ln, Sugar Land, Fort Bend County, Texas 77479.
27. Plaintiffs, RICHARD POLEY and BAIJUNKOU, reside at 4626 Millstone Canyon Ln, Sugar Land, Fort Bend County, Texas 77479.
28. Plaintiffs, ATIQ REHMAN and FRAZIA JEHangier, reside at 6606 Rising Hills Lane, Sugar Land, Fort Bend County, Texas 77479.
29. Plaintiffs, SUHEL SANWARWALA and SAMINA SANWARWALA, reside at 6830 Miller Shadow Ln, Sugar Land, Fort Bend County, Texas 77479.

30. Plaintiffs, VARUN SHARMA and POOJA SHARMA, reside at 4523 Millstone Ln, Sugar Land, Fort Bend County, Texas 77479.
31. Plaintiffs, AARON STEPHENS and LAKENDRA NANETTE SAKEENA, reside at 6735 Sotoria Ln, Sugar Land, Fort Bend County, Texas 77479.
32. Plaintiffs, MICHAEL VACKER and LAURA JONES, reside at 6711 Miller Shadow Ln, Sugar Land, Fort Bend County, Texas 77479.
33. Defendant, THE JOHNSON DEVELOPMENT CORP., is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business in Texas and may be served by serving its registered agent for process in Texas: Richard L Rose, 3 East Greenway Plaza Ste 2000, Houston, TX 77046.
34. Defendant, FORT BEND COUNTY LID 19, may be served by serving its District Agent: Esther Buentello Flores, 873 Dulles Ave Ste A, Stafford, Texas 77477-5753 or Nancy Carter, The Muller Law Group, 16555 Southwest Fwy, Ste 200, Sugar Land , Texas 77479.
35. Defendant, RIVERSTONE HOMEOWNERS ASSOCIATION, INC., is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business in Texas and may be served by serving its registered agent for process in Texas: Jaime Villegas, 18353 University Blvd, Sugar Land, TX 77479.
36. Defendant, LEVEE MANAGEMENT SERVICES, LLC, is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business in Texas and may be served by serving its registered agent for process in Texas: Kevin J. Matocha, 1650 Highway 6, Suite 430, Sugar Land, TX 77478.

37. Defendant, TRENDMAKER HOMES, INC., is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business in Texas and may be served by serving its registered agent for process in Texas: Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701.

38. Defendant, NEWMARK HOMES HOUSTON, LLC, is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business in Texas and may be served by serving its registered agent for process in Texas: Michael Moody, 10455 Briar Forest Dr Ste 200, Houston, TX 77042.

39. Defendant, PERRY HOMES, LLC, is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business in Texas and may be served by serving its registered agent for process in Texas: Michael C. Brisch, 9000 Gulf Freeway, Houston, TX 77017.

40. Defendant, UNIVERSAL TITLE PARTNERS, LLC, is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business in Texas and may be served by serving its registered agent for process in Texas: C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

41. Defendant, CHICAGO TITLE OF TEXAS, LLC, is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business in Texas and may be served by serving its registered agent for process in Texas: C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

42. Defendant, CELEBRITY TITLE, CO., LLC, is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business

in Texas and may be served by serving its registered agent for process in Texas: Joseph B Rothchild 920 S Fry Road, Katy, TX 77450.

43. Defendant, STEWART TITLE COMPANY, is a domestic corporation organized and existing under the laws of the State of Texas. This Defendant is authorized to do business in Texas and may be served by serving its registered agent for process in Texas: C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

IV. JURISDICTION

44. The court has jurisdiction over Defendants because they have either done business in Texas, committed a tort in Texas, and/or have had continuous contacts with Texas. In addition, the damages for which Plaintiffs bring suit exceeds the minimal jurisdictional limits of the Court.

V. VENUE

45. Mandatory venue is Fort Bend County, Texas because Plaintiffs seek recovery for damages to real property located in Fort Bend County. TEX. CIV. PRAC. R. CODE § 15.011.

VI. FACTS

46. Hundreds of homes in the Millwood Subdivision of the Riverstone Development in Sugar Land, Texas flooded during Hurricane Harvey. Families, many with small children, were forced to evacuate with little notice while several feet of water entered their homes and ruined their property.

47. Defendant, The Johnson Development Corp., developed Riverstone as a luxurious master planned residential community. However, Millwood subdivision, was knowingly

developed in low lying land originally designated as a flood zone and planned for recreational use rather than homes. After The Johnson Development Corp. chose to develop the area for home building, it intentionally re-designated the area for homes and removed it from the flood plane.

48. Despite knowledge of Millwood's low elevation and considerable flood risk, The Johnson Development Corp. and several home builders, including Defendants, Trendmaker Homes, Inc., Newmark Homes Houston, LLC and Perry Homes, LLC, proceeded to build and sell homes in the neighborhood.

49. Neither The Johnson Development Corp., the home builders or the title companies, including, Defendants, Universal Title Partners, LLC, Chicago Title of Texas, LLC, Celebrity Title, Co., LLC or Stewart Title Company warned of or disclosed the extreme risk of flooding to Plaintiffs' homes and advised Plaintiffs flood insurance was not necessary.

50. Defendant, Fort Bend County Levee Improvement District 19 ("LID 19") is responsible for designing, maintaining and operating the levee, drainage and pump systems for Millwood. However, before, during and after Hurricane Harvey, LID 19 and its operator, Defendant, Levee Management Services, LLC failed to adequately design, maintain and operate the levee, drainage and pump systems, including, intentionally diverting flood water into the Millwood subdivision.

51. As a result of the actions and inactions of all Defendants, Plaintiffs and their children have been displaced from their homes and have many months and years of costly repairs and rebuilding to come.