

2. The claims asserted arise under the common laws of Texas. This Court has jurisdiction and venue is proper because the events giving rise to this lawsuit occurred in Dallas County. Tex. Civ. Prac. & Rem. Code § 15.002. Further, at least one defendant is a resident of Texas, and therefore, the case is not removable.

III.

Parties

3. Plaintiff, Kenyetta Hickmon, the surviving spouse of decedent, Michael Hickmon, is a natural person residing in Dallas County, Texas. Appearing individually, as personal representative of the estate of Michael Hickmon, and as next of Friend of Michael Hickmon's children, she is permitted to bring both wrongful death and survival actions under Chapter 71 of the Texas Civil Practice and Remedies Code.

4. Plaintiff, Ashley Monae Hicks, a surviving daughter of decedent, Michael Hickmon, is a natural person residing in Dallas County, Texas. She is permitted to bring a wrongful death action under Chapter 71 of the Texas Civil Practice and Remedies Code.

5. Plaintiff, Linda Louise Williams, the surviving mother of decedent, Michael Hickmon, is a natural person residing in Dallas County, Texas. She is permitted to bring a wrongful death action under Chapter 71 of the Texas Civil Practice and Remedies Code.

6. Plaintiff, Orestia Williams, the surviving father of decedent, Michael Hickmon, is a natural person residing in Dallas County, Texas. He is permitted to bring a wrongful death action under Chapter 71 of the Texas Civil Practice and Remedies Code.

7. Big XII Youth Sports League and Family Services ("Big XII") is a Texas entity with its principal place of business in Dallas County, Texas. This Defendant may be served with

process through its registered agent, Realford Consulting LLC, at 7540 Gayglen Dr., Dallas, TX 75217.

8. Realford Consulting LLC (“Realford”) is a Texas entity with its principal place of business in Dallas County, Texas. This Defendant may be served with process through its registered agent, Raymond Earl Alford, at 7540 Gayglen Dr., Dallas, TX 75217, or wherever he may be found.

9. Defendant, Aqib Talib, is a natural person believed to reside in Collin County, Texas. Aqib Talib may be served with process at his residence, 501 Woodlake Drive, Allen, Texas 75013, or at such other place as he may be found.

10. Defendant, Yaqub Talib, is a natural person believed to reside in Collin County, Texas. Yaqub Talib may be served with process at his residence, 1712 Shiprock Drive, Plano, Texas 75025, or at such other place as he may be found.

IV.

Facts

11. Decedent, Michael Hickmon, was a coach for the Dragons Elite Academy nine-and-under youth football team. Upon information and belief, this team was part of a league owned, operated and/or managed by Defendant Big XII Youth Sports League and Family Services and Defendant Realford Consulting LLC. On or about Saturday, August 13, 2022, the Dragons had a game scheduled against the North Dallas United Bobcats, another team in Defendants’ Big XII league. The game was scheduled to be played on the fields located at Lancaster Community Park in Dallas County, Texas. Aqib Talib and Yaqub Talib (the “Talib Defendants”) were both coaches for teams in Defendants’ Big XII league and were on the field with the Bobcats team on that date.

12. Tensions ran high throughout the game, including a scuffle between players that had to be physically separated. Matters got worse when the Bobcats were penalized for taunting, giving the Dragons a first down instead of a turnover on downs. The Dragons scored on the very next play, and the Bobcats coaches, including the Talib Defendants, became physically and verbally abusive, immediately ending the game despite time remaining in regulation. With the game having ended, Hickmon walked from the visitor sideline to retrieve his son's football which had been used as the game ball. Defendant Aqib Talib confronted Hickmon, ultimately throwing a punch. Surprised and outnumbered, Hickmon defensively backpedaled to extricate himself from the situation. After being assaulted, Hickmon got back to his feet, and Defendant Yaqub Talib pulled a handgun and fired approximately five shots from just a few feet away. Multiple shots hit the defenseless and unarmed Hickmon. Despite being rushed to the hospital, Hickmon succumbed to his wounds and died.

13. The Talib brothers are no strangers to gun violence, and their histories of criminal activities and violent behavior are well-documented. Defendant Yaqub Talib, a convicted felon who was on probation at the time of Decedent's murder, was not legally permitted to carry a handgun. Despite these facts, the Talib Defendants were allowed and approved by Defendants to coach and otherwise participate in the running of teams in the Big XII League. Defendants' decisions and failures directly and proximately caused Michael Hickmon's death and the severe, and likely permanent, injuries his family will have to live with the rest of their lives.

V.

Causes of Action

A. Negligence and Gross Negligence Wrongful Death & Survival Actions Against All Defendants

14. Plaintiffs repeat and reallege each allegation contained above.

15. Plaintiffs sustained damages because of Defendants' negligence and gross negligence when Defendants:

- Failed to hire qualified and adequately vetted employees and/or agents;
- Failed to maintain proper security measures;
- Failed to prevent violent criminals from acting as coaches;
- Failed to forbid the carrying of unlawful firearms;
- Failed to properly train their employees and/or agents;
- Failed to supervise their employees and/or agents;
- Failed to create and/or enforce adequate safety policies and procedures;
- Failed to provide adequate security and/or law enforcement personnel;
- Failed to take action to prevent the incident in question;
- Failed to conduct thorough background checks;
- Failed to ensure a safe environment;
- Failed to use reasonable care to protect athletes and their families;
- Vicariously liable for their employees and/or agents;
- Violating applicable government regulations, laws, and rules; and
- Other acts deemed negligent and grossly negligent.

16. On balance, Defendants owed a duty consistent with the foregoing and breached each of the foregoing duties. These breaches were both the cause in fact and proximate cause of Plaintiffs' injuries and Decedent' wrongful deaths. As a result of Defendants' negligence, Decedent suffered severe physical injury and death. Moreover, Plaintiffs have also suffered serious injuries. As such, Plaintiffs are entitled to recover for their injuries.

17. Additionally, Defendants' actions were done with a reckless disregard to a substantial risk of severe bodily injury and death. Therefore, Plaintiffs are entitled to exemplary damages.

B. Assault and Battery Claims against Defendants Aqib Talib and Yaqub Talib

18. Plaintiffs incorporate the foregoing paragraphs as if set forth fully herein.

19. Defendants Aqib Talib and Yaqub Talib (the "Talib Defendants") attacked Decedent, causing him bodily harm, and ultimately, death.

20. Specifically, Defendant Aqib Talib started the brawl with Decedent that ultimately led to the fatal shooting by Yaqub Talib. Under Texas law, the Talib Defendants are liable for the reasonably foreseeable results of their assault. In this case, it was negligent and foreseeable to Aqib Talib that his initial assault on Michael Hickmon would result in Yaqub Talib's use of deadly force. Accordingly, the Talib Defendants are liable for damages to Plaintiffs.

VI.

Damages

21. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiffs and Decedent were caused to suffer severe personal injuries, bodily injury, pain, suffering, mental anguish and death. Plaintiffs pray for relief and judgment as follows:

a. **Wrongful Death**

22. Plaintiffs repeat and reallege each allegation contained above.

23. As wrongful death beneficiaries, Plaintiffs seek to recover the following elements of damages resulting from the death of the Decedent:

- Pecuniary loss in the past and future, including but not limited to the loss of care, maintenance, guidance, nurture, support, services, advice, counsel, inheritance, and reasonable contributions of pecuniary value;
- Loss of companionship and society in the past and future, including but not limited to the loss of the positive benefits flowing from the love, comfort, companionship, and society that would have been received from the Decedent, had he lived;
- Mental anguish in the past and future, including but not limited to the emotional pain, torment, and suffering experienced in the past, and to be experienced in the future, because of the death of the Decedent; and
- Any other forms of damages available to wrongful death beneficiaries.

b. Survival Action.

24. Plaintiffs repeat and reallege each allegation contained above.

25. As the personal representative of the Estates of the Decedent, Plaintiff Hickmon

seeks to recover the following elements of wrongful death and survival damages:

- Past and future pain and mental anguish, including the conscious physical pain and emotional pain, torment, and suffering experienced by the Decedent before his death;
- Medical expenses; and
- Funeral and burial expenses.
- All other damages entitled to by law.

26. In addition, the actions above constitute gross negligence under Texas law and Plaintiffs are entitled to an award of exemplary damages.

27. In accordance with TEX. R. CIV. P. 47, Plaintiffs hereby state they seek monetary relief in excess of \$1,000,000.00.

VII.

Prayer

Plaintiffs pray that a citation issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiffs have judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, pre-judgment and post-judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which they may show themselves justly entitled.

VIII.

Jury Trial Demanded

Plaintiffs demand a trial by jury.

Respectfully submitted,

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