

CAUSE NO. CV-0081158

ROSIE YANAS and CHRISTOPHER § COUNTY COURT AT LAW  
STONE, individually and as next §  
friends of CHRISTOPHER JAKE STONE §

Plaintiffs, §

MARK MCLEOD and GAIL MCLEOD, §  
individually and as next friends of §  
AARON KYLE MCLEOD §

PAMELA STANICH, individually and as §  
next friend of JARED CONARD BLACK §

GALVESTON COUNTY, TEXAS

SHANNAN CLAUSSEN, individually and §  
as next friend of CHRISTIAN RILEY §  
GARCIA §

CLAYTON HORN §

RHONDA HART, individually and as the §  
Representative of the Estate of KIMBERLY §  
VAUGHAN §

Intervenors, §

VS. §

ANTONIOS PAGOURTZIS and ROSE §  
MARIE KOSMETATOS §

Defendants. §

COURT NO. 3

**ABDUL AZIZ AND FARAH NAZ’S PETITION IN INTERVENTION  
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE EWING:

COMES NOW ABDUL AZIZ and FARAH NAZ, INDIVIDUALLY AND AS  
NEXT FRIENDS OF SABIKA AZIZ SHEIKH, and file this PETITION IN

INTERVENTION and for cause of action would show unto this Honorable Court, as follows:

**I.**  
**DISCOVERY CONTROL PLAN**

1. Pursuant to Texas R. Civ. P. 190.4(a) and (b), Intervenors request that discovery be conducted by Court Order (Level 3). Intervenors affirmatively plead that this suit is not governed by the expedited-actions process in Rule 169 of the Texas Rules of Civil Procedure.

**II.**  
**PARTIES**

2. Intervenors, as well as their deceased daughter for whom they appear as next friends, are domiciled in Karachi, Pakistan. Intervenors resided in Karachi, Pakistan at the time of the incident that is the basis of this lawsuit. Intervenors' daughter, Sabika Aziz Sheikh, was a minor who resided in Santa Fe, Texas at the time of the incident that is the basis of this lawsuit.

3. Defendant ANTONIOS PAGOURTZIS is a resident and citizen of the State of Texas and can be served with process at the office of his counsel: Ron Rodgers, 3027 Marina Bay Drive, Suite 310, League City, TX 77573.

4. Defendant ROSE MARIE KOSMETATOS is a resident and citizen of the State of Texas and can be served with process at the office of her counsel: Ron Rodgers, 3027 Marina Bay Drive, Suite 310, League City, TX 77573.

**III.**  
**JURISDICTION AND VENUE**

5. Venue for this action properly lies in Galveston County, Texas, pursuant to Texas Civ. Prac. & Rem. Code § 15.002(a)(1) because all or a substantial portion of the events giving rise to the claim occurred in Galveston County.

6. Jurisdiction is proper because this is a civil case in which the matter in controversy is within the Court's jurisdictional limits. Pursuant to Texas R. Civ. P. 47(c)(5), Intervenors Abdul Aziz and Farah Naz seek more than \$1,000,000 in monetary damages.

**IV.**  
**FACTS**

7. Intervenors Abdul Aziz and Farah Naz are the parents of Sabika Aziz Sheikh, who came to the United States in August 2017 as a sixteen-year-old youth ambassador for the Kennedy-Lugar Youth Exchange and Study Program ("YES Program").

8. Originally from Pakistan, Sabika was placed with a host family in Santa Fe, Texas and enrolled as a senior at Santa Fe High School for the 2017-2018 academic year. She came to the United States on a mission of diplomacy - she wanted to learn about life in the United States and women's empowerment, but she also wanted to share Pakistani culture with Americans. She wanted what teenagers the world over want: friendship, a chance to grow and learn, and adventure.

9. Sabika excelled academically and threw herself into life in America - she volunteered at the local library, dressed up as a pirate for Halloween, kept score at the

high school's baseball games, and went to prom with friends. She became close to her host family, traveling to West Texas with them, celebrating holidays, and engaging in lip sync contests with her host siblings.



10. Defendants Antonios Pagourtzis and Rose Marie Kosmetatos are the parents of Dimitrios Pagourtzis, a seventeen-year-old junior at Santa Fe High School who murdered ten of his classmates and teachers and wounded many others on May 18, 2018. Sabika was one of the murdered students.

11. This mass shooting was enabled by the Defendants' negligent actions, who knew that their son was at risk of harming himself or others but still irresponsibly and negligently stored their firearms, so that their son could access them.

12. In the months and weeks leading up to the shooting, the Defendants' son exhibited many warning signs that they noticed but did nothing to address. After the shooting, Defendant Antonios Pagourtzis told a Greek radio station that he had been

worried about his son for weeks before the shooting – “as if I knew something would happen.”

13. Any reasonable parent would have ensured that their child, who was exhibiting signs of emotional distress and violent fantasies, did not have access to weapons that he could use to kill others (or himself). The Defendants did not do even the bare minimum to prevent their son from accessing deadly weapons.

14. The Defendants’ negligent actions and irresponsible firearms storage paved the way for one of the worst mass shootings in Texas history. Without the Defendants’ negligent actions, their son would not have had access to the firearms that he used to kill and injure so many people.

**Defendants Knew Their Son Was At Risk of Harming Others But Still Did Not Prevent Their Son From Accessing Their Firearms.**

15. There were many warnings that their son harbored violent and hateful impulses and was a danger to himself and others. Had the Defendants heeded the obvious warning signs and prevented their son from accessing their firearms, Dimitrios Pagourtzis would have been unable to access their guns to murder ten of his classmates and teachers and injure thirteen more.

16. The Shooter had a fascination with the Columbine High School shooting that should have been a red flag to his family.

17. The Shooter took pains to dress like the Columbine shooters – wearing a full-length black trench coat and black combat boots regularly to school, despite the

South Texas heat. Among the insignia pinned to his trench coat was a medallion identical to one worn by one of the Columbine shooters.

18. The Shooter's fixation on the Columbine shooting was so obvious that his friends even joked that he dressed like the Columbine shooters.

19. Many of the details of the Shooter's attack on his classmates and teachers indicate that he took inspiration from the Columbine shooters – down to details such as how he constructed explosive devices that he planted around the school.

20. There were other warning signs that would have been visible or accessible to his parents. On social media, the Shooter followed numerous gun-related accounts and evinced a fascination with firearms. On his Instagram account, he posted a photograph of a semiautomatic pistol, a knife, and a flashlight, captioned "Hi fuckers," in late April 2018.

21. In the weeks before the shooting, the Shooter uploaded a photograph to his Facebook page of a t-shirt reading, "BORN TO KILL"; he wore this t-shirt along with his trench coat and combat boots on the day he murdered ten of his schoolmates and teachers.

22. The Shooter had also demonstrated an interest in the guns used by the German army in World War II. He posted on Facebook an image of a jacket with Nazi and fascist insignia. On his Facebook page, he also posted artwork inspired by an electronic musician with a following among neo-Nazi groups.

23. The Defendants knew that something was gravely wrong with their son.

24. In an interview that he provided to a Greek radio station not long after the shooting, Defendant Antonios Pagourtzis said that he believed that his son had been teased and bullied at school.

25. Defendant Antonios Pagourtzis also told the Greek radio station that he had been so worried about his son's well-being in the two weeks leading up to the shooting that he had stayed home from work to be with him – "as if I knew something would happen."

26. The Defendants owned the two weapons that their son used to murder the Intervenors' daughter and knew that their son was experiencing extreme emotional distress. Yet the Defendants did not take basic steps to prevent their son from accessing the guns.

27. To the contrary, the Defendants stored firearms in an irresponsible and negligent manner that allowed them to be accessible to their emotionally unstable son – a son who was so troubled that his father had taken two weeks off of work to stay at home with him.

28. At seventeen years of age, the Shooter could not lawfully purchase a firearm from a dealer. He depended upon his parents' irresponsible and negligent storage of their firearms in order to carry out his murderous plans.

29. If the Shooter had not had the Defendants' weapons, he would not have been able to carry out the massacre at Santa Fe High School.

**Defendants' Son Murders Sabika Aziz Sheikh and Nine Others With Firearms He  
Obtained from Defendants' Closet.**

30. Sabika Aziz Sheikh was murdered by the Defendants' son, a fellow student at Santa Fe High School, less than three weeks before she was due to return to Pakistan.

31. Early on the morning on May 18, 2018, Sabika posted a Snapchat story announcing that it was nineteen days before she was due to return to Pakistan. She was looking forward to returning home after spending an academic year as an exchange student in the United States. She longed for her family - who she had not seen in nearly nine months - and she was excited to be back in Pakistan to celebrate Eid al-Fitr, an important Muslim holiday marking the end of the holy month of Ramadan.

32. Early on that same morning of May 18, Dimitrios Pagourtzis ("the Shooter") took two firearms from his family's house. The two firearms belonged to his parents, the Defendants in this action.

33. The weapons taken by the Shooter and used in his killing spree were a .38 caliber handgun and a Remington Model 870 shotgun.

34. At or around 7:30 a.m. on May 18, the Shooter carried two firearms onto the campus of Santa Fe High School.

35. When he arrived on campus, the Shooter hid his parents' guns in his trench coat. He went to a four-room arts complex within Santa Fe High School and opened fire.



36. The Shooter later told authorities that he spared some students he liked, so that they could tell his story.

37. In the immediate panic after the Shooter began shooting in one classroom, students in an adjacent classroom tried to exit through a back door in the art room complex but found that it was locked. These students then took refuge in the storage closets or fled through the first classroom's front door after the Shooter came into the second classroom.

38. The Shooter knew that several people were hiding in the closets, and he began shooting into the closets. He taunted the students who were hiding while he shot at them.

39. After the Shooter opened fire in the adjoining classroom, Sabika had joined her classmates who sought safety by hiding in one of the supply closets. She hid behind a dresser in the storage closet, but the Shooter shot her through the closet door.

40. Sabika died of gunshot wounds to her head, face, and shoulder.

41. The Galveston County Medical Examiner's autopsy report for Sabika documented nine separate gunshot wounds.

42. At some point during the Shooter's attack, school police officer John Barnes confronted him, but the Shooter responded by shooting Officer Barnes in the arm.

43. More police officers from various agencies arrived, exchanging gun fire with the shooter. At around 8 a.m., after negotiations with the police, the Shooter left the classrooms and surrendered.

44. In total, the Defendants' son killed eight students (including Sabika) and two teachers by shooting them with his parents' guns. He wounded an additional thirteen others.

45. After the Shooter was finally taken into custody, he admitted his guilt.

46. In Pakistan, Sabika's family heard about the mass shooting at Santa Fe High School.

47. Sabika's father, Intervenor Abdul Aziz, was watching television when he learned about the shooting. When he realized that it had happened at the school where Sabika was a student, he began sending her messages and calling her, but he received no response. He did not learn of her death until Sabika's host father in Texas called him on May 18 at 9:54 p.m. Pakistan Time, or at 11:54 a.m. in Santa Fe.

48. Sabika did not walk out of Santa Fe High School on that day. Instead, her body was flown in a coffin to her native city of Karachi, Pakistan.

49. Sabika is survived by two younger sisters and one younger brother, as well as by her parents, who have all suffered immense emotional distress at the hands of the Shooter and his negligent parents.

50. Sabika had planned to follow her father's footsteps by pursuing a career in business. She also dreamed of entering the Pakistani foreign service and serving as a diplomat. She wanted to be a trailblazer, as a female entrepreneur in Pakistan, and she wanted to promote cross-cultural understanding. In an essay that she wrote for her application to the YES Program, Sabika wrote: "For the future, I simply dream to excel in business studies. . . . I have set my goals and I know immense hard work is needed to

achieve them.” Her dreams of entrepreneurship, diplomacy, and empowerment were cut short when the Shooter entered her arts classroom. Had the Defendants acted responsibly, Sabika would be alive today.

51. Had the Defendants responsibly stored their firearms, the Intervenors’ daughter would be alive, along with all of her classmates and teachers.

52. The Defendants failed to take basic measures to ensure that their emotionally disturbed son who harbored violent fantasies did not have access to deadly weapons.

53. If the Defendants had taken these basic measures – securing firearms and warning the school district – Sabika and the nine other victims of the Shooter’s rampage would still be alive.

54. While the Shooter pulled the trigger, Defendants’ negligence and irresponsible storage practices placed the gun in his hands.

**V.**  
**CAUSES OF ACTION**

**COUNT I – NEGLIGENCE AS TO ALL DEFENDANTS**

55. Intervenors incorporate and re-allege the above paragraphs as if stated fully here.

56. Defendants were subject to the general duty imposed on all persons not to expose others to reasonably foreseeable risks of injury and had a duty to exercise reasonable care in making available firearms and to refrain from engaging in any activity creating reasonably foreseeable risks of injury to others.

57. Defendants breached their duty in one or more of the following ways:
- a. In storing their firearms in such a manner that they could be accessed by their teenage son, who was emotionally unstable and harbored violent fantasies;
  - b. In failing to pay attention or reasonably respond to the Shooter's emotional disturbance;
  - c. In failing to intervene to prevent the Shooter from acting in furtherance of his violent fantasies;
  - d. In failing to seek assistance from mental health professionals to prevent their son from acting in furtherance of his violent fantasies;
  - e. In failing to inform the school district that their son was emotionally disturbed and harboring violent fantasies;
  - f. In failing to inform law enforcement that their son was emotionally disturbed and harboring violent fantasies; and
  - g. In failing to secure all dangerous objects in their home so that their son could not access them.

58. Defendants knew or should have known that acting responsibly required them to store their firearms in a manner that would not have allowed access by their teenage son.

59. Defendants nonetheless stored their firearms in an irresponsible manner in which they were easily accessed by the Shooter.

60. The Shooter's behavior in the weeks leading up to the shooting made criminal activity reasonably foreseeable.

61. Each of the above facts or omissions by Defendants constitutes negligence, and that negligence was a proximate cause of Sabika Aziz Sheikh's injuries and death.

COUNT II - NEGLIGENT ENTRUSTMENT AS TO ALL DEFENDANTS

62. Intervenor's incorporate and re-allege the above paragraphs as if stated fully here.

63. The Shooter was an incompetent trustee for a .38 caliber handgun and a Remington model 870 shotgun. As described in detail above, the Shooter evinced a fascination with the Columbine shooting and Nazis and made social media posts advocating violence.

64. The Defendants were so worried about the Shooter in the weeks leading up to his massacre of his fellow students and teachers that Defendant Antonios Pagourtzis stayed home from work for two weeks to take care of his son.

65. A reasonably prudent person would have recognized that the Shooter was an incompetent trustee for a .38 caliber handgun and a Remington model 870 shotgun.

66. Defendants had, at all material times, control of the .38 caliber handgun and a Remington model 870 shotgun that were taken by the Shooter. The Shooter was able to be in possession of the .38 caliber handgun and a Remington model 870 shotgun only by consent of Defendants.

67. A firearm is an exceedingly dangerous article to place in the hands of an emotionally disturbed teenager with violent fantasies, such as the Shooter.

68. Defendants knew or reasonably should have known that by not entrusting the .38 caliber handgun and a Remington model 870 shotgun to the Shooter, they could have prevented him from possessing and dangerously using the gun against himself or an innocent third party such as Sabika.

69. Defendants nonetheless entrusted the .38 caliber handgun and a Remington model 870 shotgun to the Shooter, knowing or having reason to know, that the Shooter would use the product in a manner involving unreasonable risk of physical injury to himself or others.

70. Defendants' negligent entrustment of the .38 caliber handgun and a Remington model 870 shotgun to the Shooter was a direct and proximate cause of the wrongful death of Sabika Aziz Sheikh later that day.

## **VI.** **WRONGFUL DEATH AND SURVIVAL CLAIMS**

71. Intervenors Abdul Aziz and Farah Naz, individually and as next friends of Sabika Aziz Sheikh, are statutory beneficiaries of Sabika Aziz Sheikh and are entitled to bring these causes of action pursuant to the Texas Wrongful Death Act and Texas Survival Statutes set out in Texas Civ. Prac. & Rem. Code Ch. 71. Intervenors, as heirs and next friends of Sabika Aziz Sheikh, seek damages for her injuries and death and their own consequent injuries and damages.

**VII.**  
**COMPENSATORY DAMAGES**

72. Intervenors Abdul Aziz and Farah Naz are the surviving parents of Sabika Aziz Sheikh, who was seventeen years old at the time of her death. Her parents have lost the love, support, nurture and companionship they would have shared with their daughter for the rest of their lives.

73. Further, as a result of the wrongful death of Sabika Aziz Sheikh, her estate is entitled to seek damages for the pain, suffering, and mental anguish she suffered prior to her death, and the damages her estate will have incurred for her funeral and burial expenses.

74. Defendants' acts and omissions were each a proximate cause of the death of Sabika. As a result thereof, Intervenors have suffered damages, including the following elements:

- h. Medical expenses;
- i. Burial expenses;
- j. Lost wages;
- k. Physical pain and suffering; and,
- l. Mental anguish.

**VIII.**  
**EXEMPLARY/PUNITIVE DAMAGES**

75. At the time Defendants permitted the Shooter to access the firearms, Defendants were acting with reckless disregard for the safety of others. The Defendants possessed information that alerted them that the Shooter was likely to harm himself or

others. The gross negligence of Defendants was a proximate cause of the damages to Intervenor, and Intervenor is entitled to recover exemplary or punitive damages.

76. Defendants' conduct, when reviewed objectively from Defendants' standpoint at the time of the conduct, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others, and Defendants were actually, subjectively aware of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others.

**IX.**  
**PREJUDGMENT INTEREST**

77. In addition to the above and foregoing allegations, Intervenor further pleads that they are entitled to prejudgment interest at the highest rate allowed by law.

**X.**  
**REQUEST FOR DISCLOSURE**

78. Under Texas Rule of Civil Procedure 194.1, Intervenor requests that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2(a) through (l).

**XI.**  
**AUTHENTICATION AND PRESERVATION**

79. In accordance with Texas Rule of Civil Procedure 193.7, notice is hereby given that Intervenor intends to use at trial and/or in pre-trial proceedings, all documents produced in discovery. Defendants are hereby given notice that any document or other material, including electronically stored information, that may be evidence or relevant to any issue in this case is to be preserved in its present form until



this litigation is concluded. Pursuant to the doctrine of spoliation, as that term is understood in Texas law, Defendants are further placed on notice of their obligation to safeguard and preserve all documents or other physical evidence now in their possession which might bear in any way upon either discovery or the discovery of admissible evidence in this case and of Intervenor's intention to seek sanctions of the Court should they fail, either intentionally or by neglect, to do so.

Respectfully Submitted,

MARTINEZ & MCGUIRE PLLC



Clint E. McGuire  
State Bar No. 24013139  
clint@mmtriallawyers.com  
17227 Mercury Drive, Suite B  
Houston, Texas 77546  
Telephone: (281) 286-9100  
Facsimile: (281) 286-9105

EVERYTOWN LAW

Alla Lefkowitz - Motion for Non-Resident  
Attorney Admission forthcoming  
alefkowitz@everytown.org  
Molly Thomas-Jensen - Motion for Non-  
Resident Attorney Admission forthcoming  
mthomasjensen@everytown.org  
132 E. 43<sup>rd</sup> Street, #657  
New York, NY 10017  
Telephone: (646) 324-8226

ATTORNEYS FOR PLAINTIFFS AND  
INTERVENORS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of ABDUL AZIZ AND FARAH NAZ'S PETITION IN INTERVENTION AND REQUEST FOR DISCLOSURE has been served in accordance with the Texas Rules of Civil Procedure on November 28, 2018, addressed as follows:

Ron Rodgers  
RODGERS LAW GROUP  
3027 Marina Bay Drive, Suite 310  
League City, Texas  
Facsimile: (281) 884-3992  
ron@rodgerslawgroup.com

Alton C. Todd  
Seth Mitchell Park  
THE LAW FIRM OF ALTON C. TODD  
312 South Friendswood Drive  
Friendswood, Texas 77546  
Facsimile: (281) 648-8633  
alton@actlaw.com  
seth@actlaw.com

  
Clint E. McGuire