

CAUSE NO. 25DCV356263

THADIUS BAKER, Individually, and ON	§	IN THE DISTRICT COURT
BEHALF OF THE ESTATE OF	§	
SERENITY BAKER, Deceased,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	146th JUDICIAL DISTRICT
	§	
KILLEEN INDEPENDENT SCHOOL	§	
DISTRICT and	§	
EVOLV TECHNOLOGIES, INC.,	§	
	§	
<i>Defendants.</i>	§	BELL COUNTY, TEXAS

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**PLAINTIFF’S ORIGINAL PETITION**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW Plaintiff Thadius Baker, Individually and on Behalf of the Estate of Serenity Baker, Deceased (hereinafter “Plaintiff”), complaining of Defendants Killeen Independent School District and Evolv Technologies, Inc., (hereinafter collectively, “Defendants”), and for cause of action would respectfully show the Court the following:

**I.  
DISCOVERY CONTROL PLAN**

1. Plaintiff intends to conduct discovery under Level 3 of Rule 190 of the Texas Rules of Civil Procedure and requests the Court enter a discovery control plan accordingly.

**II.  
PARTIES**

2. Plaintiff Thadius Baker is the natural father of Serenity Baker, deceased, and brings this action individually and on behalf of her Estate pursuant to the Texas Wrongful Death and Survival Statutes. Plaintiff may be contacted by and through his counsel of record.

3. Defendant Killeen Independent School District (“KISD”) is a public school district organized under the laws of Texas and operating in Bell County, Texas. Service may be made upon its Superintendent, Dr. Jo Ann Fey, at 200 North W.S. Young Drive, Killeen, Texas 76543.
4. Defendant Evolv Technologies, Inc. (“Evolv”) is a foreign corporation authorized to do business in Texas. Evolv may be served with process through its registered agent, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

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

5. This Court has jurisdiction because the amount in controversy exceeds the minimum jurisdictional limits of the Court.
6. Venue is proper in Bell County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code §15.002(a)(1), because all or a substantial part of the events and omissions giving rise to this lawsuit occurred in Bell County.

### **IV. FACTUAL BACKGROUND**

7. On March 10, 2025, Plaintiff’s daughter, Serenity Baker, age 14, was a student at Roy J. Smith Middle School in Killeen, Texas.
8. On that day, another student brought a 3.5-inch tactical folding knife onto campus and fatally stabbed Serenity in the neck.
9. At the time of the incident, the Evolv weapons detection system installed at the school was not functioning.

10. Serenity collapsed in a school hallway. No school staff or security personnel were present to render immediate aid. Instead, a fellow student attempted to apply pressure to the wound. Serenity bled out in the hallway and died.
11. Prior to the incident, KISD had knowledge of bullying and disputes involving the perpetrator, and the District maintained a “bully reporter system.” Despite this, no effective intervention occurred, and the school district failed to protect Serenity, which led directly to her death.
12. Parents and community members had repeatedly raised concerns about lax security, inconsistent bag checks, and ineffective safety enforcement at KISD campuses.
13. Evolv Technologies marketed its weapons detection system as a reliable safeguard against knives, firearms, and other threats. However, Evolv’s system was plagued with detection failures, and the Federal Trade Commission sued Evolv for false claims about the effectiveness of its technology.
14. Defendants’ combined failures, KISD’s negligence in campus security and Evolv’s defective and misrepresented product, directly and proximately caused Serenity’s preventable death.

## **V. CAUSES OF ACTION**

### **A. WRONGFUL DEATH**

Plaintiff realleges and incorporates by reference the foregoing:

15. Plaintiff is the surviving father of Serenity Baker (“Decedent”).
16. Decedent’s death was a result of Defendants’ negligence and wrongful conduct.
17. Decedent would have been entitled to bring his action against Defendants if Decedent had lived.

18. Defendants' wrongful acts and omissions directly caused the death of Serenity Baker, for which Plaintiff and statutory beneficiaries seek recovery.

**B. SURVIVAL ACTION**

19. Plaintiff, on behalf of Serenity's Estate, seeks damages for the conscious pain, suffering, mental anguish, and medical expenses Serenity endured prior to her death.

20. Defendants' conduct rose to the level of gross negligence, entitling the Estate to exemplary damages.

**C. VIOLATION OF CHILD'S RIGHTS UNDER THE TEXAS CONSTITUTION AGAINST DEFENDANT KILLEEN ISD**

21. The Texas Constitution guarantees students the rights to life, liberty, equal protection, and due course of law. Serenity Baker, as a minor compelled to attend school, was entitled to a safe educational environment.

22. KISD violated Serenity's constitutional rights by:

1. Failing to protect against foreseeable violence;
2. Operating with non-functioning weapons detection systems;
3. Ignoring known risks of bullying and violence;
4. Failing to render timely aid.

23. These acts and omissions deprived Serenity of her rights to life and equal protection under Texas law.

**D. WAIVER OF GOVERNMENTAL IMMUNITY – TEXAS TORT CLAIMS ACT AGAINST DEFENDANT KILLEEN ISD**

24. Plaintiff pleads the Texas Tort Claims Act ("TTCA") as a basis for waiver of governmental immunity.

25. Serenity's death arose from the use and condition of tangible personal property, namely the Evolv weapons detection system, which KISD failed to operate and maintain in a reasonably safe manner.

26. Additionally, KISD's failure to maintain reasonably safe premises created a dangerous condition of real property.

27. Under the TTCA, KISD's immunity is waived for these claims.

**E. NEGLIGENCE AGAINST DEFENDANT KILLEEN ISD**

28. KISD breached its duty to provide a safe environment by:

1. Failing to maintain a functioning weapons detection system;
2. Failing to supervise students in hallways and common areas;
3. Failing to respond adequately to reports of bullying;
4. Failing to train and staff personnel in emergency response.

**F. PREMISES LIABILITY / NEGLIGENT SECURITY AGAINST DEFENDANT KILLEEN ISD**

29. As occupier and controller of the school premises, KISD failed to take reasonable security measures against foreseeable acts of student violence, directly causing Serenity's death.

**G. NEGLIGENT HIRING, TRAINING, AND SUPERVISION AGAINST DEFENDANT KILLEEN ISD**

30. Defendant KISD failed to properly hire, train, and supervise employees tasked with student safety, contributing to inadequate prevention and response.

**H. GROSS NEGLIGENCE AGAINST DEFENDANT KILLEEN ISD**

31. Defendant KISD acted with conscious indifference to extreme risks known to exist on its campuses. Plaintiff seeks exemplary damages.

**I. PRODUCTS LIABILITY DESIGN AND MARKETING DEFECTS AGAINST DEFENDANT EVOLV TECHNOLOGIES, INC.**

32. Evolv's weapons detection system was defectively designed and failed to detect the knife used in this fatal stabbing. Evolv also misrepresented its capabilities to KISD.

**J. NEGLIGENCE ON DEPLOYMENT AND MAINTENANCE AGAINST EVOLV TECHNOLOGIES, INC.**

33. Evolv negligently provided, installed, and maintained a system that was not operational on the day of the incident.

**K. BREACH OF WARRANTY AGAINST DEFENDANT EVOLV TECHNOLOGIES, INC.**

34. Evolv breached both express and implied warranties that its system was fit for detecting weapons on school campuses.

**L. FRAUDULENT MISREPRESENTATION/FRAUDULENT INDUCEMENT AGAINST DEFENDANT EVOLV TECHNOLOGIES, INC.**

35. Evolv knowingly made false statements about its system's ability to detect knives and firearms, inducing KISD to rely on the system, which directly contributed to Serenity's death.

**M. GROSS NEGLIGENCE AND EXEMPLARY DAMAGES AGAINST DEFENDANT EVOLV TECHNOLOGIES, INC.**

36. Evolv Technologies' conduct rose above ordinary negligence and constituted gross negligence under Texas law.

37. Evolv had actual, subjective awareness of the extreme risk of harm posed by marketing and deploying its weapons detection system in schools while:

38. Knowing the system routinely failed to detect knives and other weapons;

39. Knowing the system frequently misidentified harmless items such as laptops and water bottles as weapons;

40. Facing investigation and enforcement actions, including by the Federal Trade Commission, for making false and misleading claims about the system's reliability.
41. Despite this knowledge, Evolv consciously disregarded the safety of students, including Serenity, by continuing to sell and promote its system to school districts nationwide without adequate warnings or disclosures.
42. Evolv's gross negligence and willful misrepresentations were a proximate cause of Serenity's death.
43. Accordingly, Plaintiff seeks exemplary damages against Evolv under Texas law to punish such misconduct and deter similar conduct in the future.

## **VI.**

### **DAMAGES OF PLAINTIFF THADIUS BAKER, ON BEHALF OF THE ESTATE OF SERENITY BAKER**

44. Defendants' conduct that caused Decedent's death was a producing cause of injury to the Estate of Serenity Baker, which resulted in the following damages:
1. Past mental and emotional anguish;
  2. Future mental and emotional anguish;
  3. Loss of companionship in the past; and
  4. Loss of companionship in the future.
45. Plaintiff seeks damages within the jurisdictional limits of this Court.

## **VII.**

### **DAMAGES OF DECEDENT SERENITY BAKER**

46. Defendants' conduct that caused Decedent's death was a producing cause of injury to Serenity Baker, Individually, which resulted in the following damages:
1. Pain and suffering of Decedent;
  2. Mental anguish of Decedent;

3. Medical expenses of Decedent; and
4. Funeral Expenses of Decedent.

47. Plaintiff seeks damages within the jurisdictional limits of this Court.

#### **VIII. EXEMPLARY DAMAGES**

48. Decedent's death resulted from Defendants' willful act or omission or from Defendants' gross negligence, which entitles Decedent's heirs to exemplary damages under Texas Constitution Article 16, Section 26.

#### **IX. JURY TRIAL REQUESTED**

49. The Plaintiff hereby respectfully requests and demands a trial by Jury, and Plaintiff tenders the appropriate Jury Fee with the filing of this Original Petition.

#### **X. PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendants be cited to appear and answer herein, and that upon final trial, Plaintiff recover judgment against Defendants jointly and severally for:

1. Wrongful death damages for the statutory beneficiaries;
2. Survival damages for the Estate of Serenity Baker;
3. Exemplary damages under both statutes;
4. Damages for violation of Serenity's constitutional rights;
5. Economic and reliance damages for warranty and fraud claims;
6. Pre-judgment and post-judgment interest as allowed by law;
7. Court costs and all costs of suit; and



8. Such other and further relief, at law or in equity, to which Plaintiff may show himself  
justly entitled.

Respectfully submitted,

/s/ Randall L. Meredith

Randall L. Meredith

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**ATTORNEY FOR PLAINTIFF**

### **Automated Certificate of eService**

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Carolina Medina on behalf of Randall Meredith

Bar No. 784591

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#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Texas EService		texas@ledgerlaw.com	9/16/2025 4:12:10 PM	SENT