

their children may be neglecting that duty or, more troubling still, may themselves be the source of harm.

Joshua Lee Nguyen, a Maritime Science teacher at Rockport-Fulton High School, utilized his professional role and a non-profit maritime program to groom a student, J.D., starting when she was 14 or 15 years old.

Joshua Nguyen established a false sense of security with the victim's parents by providing constant updates and photos of J.D.'S work while increasingly isolating J.D. from others.

Upon developing a sexual relationship with J.D., Joshua Nguyen and his twin brothers, Brandon Nguyen and Brennen Nguyen, sexually assaulted and statutorily raped J.D. continuously at multiple locations between 2023 and 2025.

The victim eventually professed the full extent of the abuse to her parents after being confronted with information from a third-party whistleblower and law enforcement.

Despite having knowledge of the illicit relationship, Rockport-Fulton ISD administrators failed to notify the parents or intervene effectively such as reporting the teacher to law enforcement agencies.

Joshua Nguyen was eventually arrested and charged with sexual assault of a child and maintaining an improper educator-student relationship. Meanwhile, Brandon Nguyen and Brennen Nguyen are currently being investigated by law enforcement officials for their illegal sexual actions involving J.D.

The ongoing criminal investigation has revealed that the victim, J.D., was pressured into sexual acts by the brothers and continues to suffer from severe trauma and nightmares.

Following his separation from the school district, Joshua Nguyen transitioned into a high-level role at the Aransas County Navigation District while his state teaching certificate is currently indefinitely suspended.

Plaintiffs bring this action to vindicate the rights of those injured by Defendants' conduct and to ensure that accountability prevails where informal authority has overridden legal responsibility. Specifically, Plaintiffs bring claims against Defendants Rockport-Fulton Independent School District and Jodi Carter for the events occurring after September 1, 2025.

Plaintiffs seek damages proportionate to the harm suffered, as well as equitable relief necessary to expose and dismantle the policies, practices, and power structures that allowed misconduct to persist unchecked. The law does not allow school officials to subordinate student safety to institutional interests or extracurricular success. Through this petition, Plaintiffs ask the Court to affirm that principle in clear and unmistakable terms.

II. DISCOVERY PLAN

Pursuant to TEX. R. CIV. P. 190.4, Plaintiff specifically pleads that this lawsuit should be conducted under Level 3 Discovery Control Plan.

III. PARTIES

Plaintiff John Doe A/N/F Minor, J.D., is a resident of Aransas County, Texas. John Doe is the father of minor child J.D., a female.

Plaintiff Jane Doe A/N/F Minor, J.D., is a resident of Aransas County, Texas. Jane Doe is the mother of minor child J.D.

Defendant Rockport-Fulton Independent School District ("Rockport-Fulton ISD" or "RFISD") is an independent school district situated in Aransas County, Texas. Defendant

RFISD may be served with process by serving Dr. Lesley Austin, its Superintendent, at 619 N. Live Oak Street, Rockport, TX 78382, the administrative offices of the ISD.

Defendant Jodi Carter (“Jodi Carter” or “Principal Carter”) is and was at all times relevant hereto, the principal of Rockport-Fulton High School, located at 1801 Omohundro St., Rockport, TX 78382. Principal Carter was responsible for the direct supervision and retention of Defendant Joshua Nguyen and the safety of students at Rockport-Fulton High School. Principal Carter is a resident of Collin County, Texas and may be served with process at her primary residence at 149 Highwood Dr, Rockport, TX 78382 or wherever she may be found.

Defendant Joshua Nguyen (“Joshua Nguyen”) was a at all times relevant hereto, employed by Defendant Rockport-Fulton ISD as a teacher. Defendant Joshua Nguyen is a resident of Aransas County, Texas and may be served with process at his primary residence served at 1901 FM 3036, Rockport, TX 78382 or wherever he may be found.

Defendant Texas Costal Academy (“TCA”) is a Domestic Nonprofit Corporation doing business in Aransas County, Texas. It may be served with process through its registered agent, Joshua L Nguyen, at 1129 West Terrace Blvd., Rockport, TX 78382, or wherever they may be found.

Defendant Brandon Nguyen (“Brandon Nguyen”) is a resident of Aransas County, Texas and may be served with process at his primary residence served at 1303 Omohundro St., Rockport, TX 78382 or wherever he may be found.

Defendant Brennen Nguyen (“Brennen Nguyen”) is a resident of Aransas County, Texas and may be served with process at his primary residence served at 1139 Heron Ln., Rockport, TX 78382 or wherever he may be found.

IV. VENUE AND JURISDICTION

Jurisdiction is proper as the relief requested is within the jurisdictional limits of this Court. Pursuant to TEX. R. CIV. P. 47(c), Plaintiff states that she seeks only monetary relief in excess of \$1,000,000.

Venue is proper pursuant to Tex. Civ. Prac. Rem. Code. §15.002(a) (2) because one or more Defendant resides in Aransas County. Further, venue is proper in Aransas County because all or a substantial part of the events or omission giving rise to Plaintiffs' claims occurred in Aransas County Tex. Civ. Prac. Rem. Code. §15.002(a) (1). All conditions precedent has occurred. Additionally, because this action is not brought under the Texas Tort Claims Act, Chapter 101 of the Civil Practice and Remedies Code, its mandatory venue provisions do not apply.

V. FACTUAL BACKGROUND

Defendant Joshua Nguyen was a Maritime Science teacher at Rockport-Fulton High School who began his employment with the district in 2022.

Whenever this Petition alleges that Defendant RFISD committed or omitted any act, such allegation shall be understood to mean that RFISD, acting by and through its governing body, trustees, officers, agents, servants, employees, and/or other representatives or controlled independent contractors, committed or omitted such act. Plaintiffs further allege that all such conduct was undertaken with the knowledge, authorization, or subsequent ratification of RFISD, and that, at all relevant times, such acts or omissions occurred within the course and scope of employment or agency, and/or pursuant to the direction and control of RFISD.

During his tenure as an employee of Defendant RFISD, Defendant Josua Nguyen founded the Defendant TCA, a non-profit maritime vocational program that operated as an

after-school program using Defendant RFISD property with Defendant RFISD's permission.

J.D., was a RFISD student, joined this program through her activities at Rockport-Fulton High School. J.D. had been a member of Defendant TCA since the ninth grade and served as the organization's secretary.

Defendant Joshua Nguyen utilized his professional position and his power in the structure of Defendant TCA to build a rapport with J.D. and J.D.'s parents, Plaintiffs John Doe and Jane Doe, to lull them into a false sense of security.

Defendant Joshua Nguyen's grooming of a minor process began when J.D. was only 14 or 15 years old and continued until she reached age 17.

Upon information and belief, between 2023 and 2025, Defendant Joshua Nguyen and his twin brothers, Defendant Brandon Nguyen and Defendant Brennen Nguyen, sexually assaulted and statutorily raped J.D. multiple times.

Defendant Joshua Nguyen initiated the grooming process before involving his brothers, who operate local businesses including a concrete company and shrimp boats.

The early months of 2025 were characterized by Defendant Joshua Nguyen deeply integrating himself into J.D.'s social and professional life, often under the guise of mentorship.

On March 9, 2025, communication records show Defendant Joshua Nguyen driving J.D. home at night and telling her parents that "it cost him nothing to follow her home".

By April and May, Defendant Joshua Nguyen was frequently sending her parents photos of her working at Defendant Joshua Nguyen's shop, and on April 26, Defendant Joshua Nguyen picked her up for the Junior Prom, claiming they were going as a "club".

Disturbingly, on May 21, 2025, J.D.'s parents noticed that J.D. had a physical bruise on her leg. This was later discovered to be resulting from Defendant Joshua Nguyen biting her.

Throughout the period between May and August of 2025, J.D. constantly experienced recurring pregnancy scares that were attributed specifically to Defendant Joshua Nguyen, Defendant Brandon Nguyen, Defendant Brennen Nguyen.

During the summer of 2025, Defendant Joshua Nguyen increased isolation and ramped up frequent contact between the teacher and student outside of school hours.

In July, J.D. went on a camping trip where she entered Defendant Joshua Nguyen's cabin and was statutorily raped and sexually assaulted by Defendant Joshua Nguyen.

August was marked by constant messaging between Defendant Joshua Nguyen, Defendant Brandon Nguyen, and Defendant Brennen Nguyen. On August 8, 2025, Defendant Joshua Nguyen invited her to scuba dive at the Rockport pool and later suggested she stay to "do some more" work after others had left, in an attempt to continue the abuse.

On August 11, 2025, Defendant Joshua Nguyen informed her parents that J.D. was alone at the shop while he was in class, and she did not leave the facility until nearly 8:00 PM that evening as Defendant Joshua Nguyen sexually assaulted J.D.

By August 30, 2025, Defendant Joshua Nguyen was messaging J.D.'s parents to inform them she was at his personal residence helping his wife move items and installing fence posts. In reality, he was abusing J.D. by statutorily raping the child.

The fall of 2025 saw a shift as J.D. expressed a desire to distance herself from the maritime program while Defendant Brandon Nguyen and Defendant Brennen Nguyen became more involved.

In early September, J.D. told her parents she wanted to drop her maritime classes because she disliked her new teacher, yet Defendant Joshua Nguyen continued to drive her home and involve her in Defendant TCA activities.

On October 4, 2025, J.D. had sexual contact with Defendant Brandon Nguyen, who gave her money following an event at Seafair. J.D. was with Defendant Brandon Nguyen under the guise of cleaning his boat in exchange for money.

During this same time, other students reportedly began confronting Defendant Joshua Nguyen about his favoritism toward J.D. due to their illegal sexual relationship.

As 2025 came to a close, Defendant Joshua Nguyen's behavior shifted toward damage control and further grooming through financial offers.

By late November and early December, digital messages between J.D. and Defendant Brandon Nguyen were sexual in nature and implicated an illegal sexual relationship between the minor and adult.

On or about December 18, 2025, Defendant Joshua Nguyen offered J.D. \$200 to clean his house while his wife and children were away for Christmas and claimed he was helping her find employment at a local coffee shop or the Navigation District. In reality, Defendant Joshua Nguyen was continuously sexually assaulting a minor child who was unable to consent to the sexual activities which were being performed.

Defendant Joshua Nguyen, Defendant Brandon Nguyen, Defendant Brennen Nguyen actively sought to exploit J.D.

Specifically, Defendant Joshua Nguyen, Defendant Brandon Nguyen, Defendant Brennen Nguyen offered minor J.D. to a third-party for sexual purposes.

Said third-party subsequently reported the matter to law enforcement, leading to a broader investigation into allegations of prostitution of a minor and sex trafficking.

After being questioned by law enforcement officials and her parents, J.D. explained the details of the abuse to her parents.

Administrative figures, such as the Principal Carter of Rockport-Fulton High School, at Defendant RFISD had early indications of inappropriate behavior dealing with Defendant Joshua Nguyen and J.D.

Upon information and belief, subsequent to September 1, 2025, the principal of Rockport-Fulton High School, Principal Carter, was informed that an illicit relationship was occurring and questioned several teachers due to being informed about their illegal relationship by students and other teachers.

Despite these notions, Principal Carter failed to notify J.D.'s parents about the misconduct or the ongoing inquiries.

Furthermore, Defendant Joshua Nguyen had installed personal cameras in his classroom, a fact known to the Defendant RFSID's principal, Principal Carter, even though the school district did not have direct access to the footage.

Defendant Joshua Nguyen was arrested on December 22, 2025, and charged with sexual assault of a child and an improper relationship between an educator and student. He was later released on bonds totaling \$100,000.00.

On December 29, 2025, J.D. confessed that Defendant Joshua Nguyen had been discussing dating her after her graduation and that she had been in possession of his sweatpants for over a year. Over 900 pages of data has been recovered from J.D.'s electronic devices.

Defendant Joshua Nguyen's teaching certificate, which includes a "Recognized" designation for highly effective teaching, has since been indefinitely suspended.

Finally, on February 17, 2026, J.D. disclosed that Brandon had pressured her into sex multiple times when she tried to say no and revealed she was suffering from nightmares about being assaulted by all three brothers.

J.D. has been unable to continue participating in maritime activities, an activity she once loved.

J.D. experiences severe anxiety when using or even thinking about these incidents.

J.D. has lost her sense of safety and trust in adults, particularly those in positions of authority. J.D. feels violated, ashamed, and betrayed by the adults that she was taught to trust and respect. J.D. is haunted by the images in her head of her abusers naked bodies and their sexual abuse.

J.D. requires and will continue to require professional psychological counseling and therapy to process this trauma and attempt to heal.

J.D.'s parents are devastated, struggling with guilt and anger that they entrusted their child to a school district that repeatedly, consciously failed to protect her.

J.D.'s childhood have been stolen. Her innocence has been shattered. Her trust has been destroyed. And it could have been prevented if Defendants had done their jobs and protected children instead of protecting and trusting a predator.

Since these events have transpired, supporters of Defendants have attempted to intimidate Plaintiffs and specifically the victim of these heinous acts. Plaintiff will not be bullied or silenced.

Plaintiffs bring these claims against Defendants Rockport-Fulton Independent School District and Jodi Carter for the actions and inactions that occurred after September 1, 2025.

As set forth above, the continuous sexual abuse by Defendants and the following insulting and abusive way in which Defendants have treated the minor J.D. and her parents gives rise to damages for gross negligence, Intentional Infliction of Emotional Distress, attorneys' fees, and punitive damages.

VI. CAUSES OF ACTION

A. GROSS NEGLIGENCE – *Against Defendant RFISD*

Plaintiffs re-alleges each aforementioned allegation as if fully incorporated below.

Plaintiffs proceed against Defendant RFISD pursuant to Chapter 118 of the Texas Civil Practice and Remedies Code (the “Act”), which effects a waiver and abolition of governmental and official immunity of public schools and professional school employees for certain conduct.

Defendant RFISD, a public school district, was grossly negligent, reckless, or engaged in intentional misconduct, in hiring, supervising, or employing a professional school employee, Defendant Joshua Nguyen, rendering it liable for an act or omission that is committed by the employee against a student enrolled in the school and that is sexual misconduct or failure to report suspected child abuse or neglect under Section 261.101, Family Code. Tex. Civ. Prac. & Rem. Code § 118.002(a).

Defendant RFISD was grossly negligent in:

- a. continuing to employ Defendant Joshua Nguyen after the discovery of an improper relationship with a student;
- b. not terminating Elliott after the discovery of personal hidden cameras in Defendant Joshua Nguyen’s classroom;
- c. insufficiently supervising Nguyen’s interactions with students, including the minor J.D.;
- d. failing to train Defendant Joshua Nguyen and others by way of written policies and continuing education in a manner which could have avoided the abuse herein described;
- e. failing to report/and or act on Defendant Joshua Nguyen’s conduct;
- f. failing to inform J.D.’s parents of the ongoing inappropriate relationship;

- g. failing to inform J.D.'s parents of the internal investigation regarding the illegal and inappropriate sexual relationship between J.D. and Defendant Joshua Nguyen

Viewed objectively, Defendant Joshua Nguyen's continued employment around minor children involved an extreme degree of risk; and Defendant RFISD, with actual awareness of that risk, nevertheless acted with conscious indifference to Plaintiffs' rights and safety.

Each of these acts and omissions, singularly or in combination with others, constituted gross negligence which proximately caused the sexual conduct herein described and Plaintiff's resulting injuries. Had Defendant RFISD undertaken any preventative measures— including criminal complaint or termination—Plaintiffs would not have been subject to said conduct.

In compliance with the Act, Plaintiffs have named the professional school employee who committed the act or omission on which the claim is based, Defendant Joshua Nguyen, as a defendant. Tex. Civ. Prac. & Rem. Code § 118.002(b).

Defendant RFISD is a public school within the meaning of the Act because it is “an independent school district or open-enrollment charter school.”

Defendant Joshua Nguyen was a “professional school employee” because at all times described herein, he was a teacher employed by a public school, namely, Defendant RFISD.

The acts or omissions complained of herein were committed by the professional school employee, Defendant Joshua Nguyen, against students enrolled in the school, J.D., and the acts or omissions constituted sexual conduct.

The acts or omissions constituted “sexual conduct” within the meaning of the Act because it constituted sexual abuse or one or more of the enumerated statutes in the Act, See Tex. Civ. Prac. & Rem. Code § 118.001(4), including but not limited to Texas Penal Code:

- a. § 21.02(c)(6). Continuous Sexual Abuse of Young Child or Disabled Individual;
- b. § 21.11(a)(2)(B). Indecency with a Child by Causing the Child to Expose the Child's Anus or Any Part of the Child's Genitals;
- c. § 22.11. Sexual Assault;
- d. § 21.18. Sexual Coercion;
- e. § 21.19. Unlawful Electronic Transmission of Sexually Explicit Visual Material;
- f. § 22.21. Aggravated Sexual Assault;
- g. § 43.25. Sexual Performance by a Child;
- h. § 43.26. Possession or Promotion of Child Pornography; and
- i. All other applicable enumerated statutes.

Further, Defendant RFISD was grossly negligent in hiring, supervising, and employing professional school employee Principal Carter, making the District liable under Tex. Civ. Prac. & Rem. Code § 118.002(a)(2) for her qualifying acts or omissions against student—including failure to report suspected child abuse under Tex. Fam. Code § 261.101.

Upon information and belief, Defendant Principal Carter knew of Defendant Joshua Nguyen's misconduct described herein and did not report him as required by Tex. Fam. Code § 261.101.

Specifically, Defendant Principal Carter knew:

- a. Defendant Joshua Nguyen had an improper relationship with a student;
- b. Defendants Joshua Nguyen had been caught putting cameras in the middle school locker room; and

- c. Defendant Joshua Nguyen behaved inappropriately with young girls, including exhibiting grooming behavior around such young girls.

Defendant RFISD's conduct in continuing to employ Defendant Principal Carter was grossly negligent, in that, when viewed objectively from the standpoint of Defendant RFISD at the time of the act or omission, the conduct involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others, and in that Defendant RFISD had actual, subjective awareness of the risk involved, but, nevertheless, proceeded with conscious indifference to the rights, safety, and welfare of others, including J.D.

Each of these acts and omissions, singularly or in combination with others, constituted gross negligence which proximately caused the sexual conduct herein described and J.D.'s resulting injuries. Had Defendant RFISD undertaken any preventative measures, including criminal complaint or termination, J.D would not have been subject to said conduct.

In compliance with the Act, Plaintiff has named the professional school employee who committed the act or omission on which the claim is based, Defendant Principal Carter, as a defendant. Tex. Civ. Prac. & Rem. Code § 118.002(b).

Defendant RFISD is a public school within the meaning of the Act because it is "an independent school district or open-enrollment charter school." *See* Tex. Civ. Prac. & Rem. Code § 118.001(3).

Defendant Principal Carter is a "professional school employee" because at all times described herein, she served as the Rockport-Fulton High School Principal, making her "a superintendent or administrator serving as educational leader and chief executive officer of the school, principal or equivalent chief operating officer, teacher, including a substitute teacher, supervisor, social worker, school counselor, nurse, and teacher's aide employed by a public

school, and any other person employed by a public school whose employment requires certification and the exercise of discretion.” *See* Tex. Civ. Prac. & Rem. Code § 118.001(2)(A).

The acts or omissions complained of herein were committed by the professional school employee, Defendant Principal Carter, against a student enrolled in the school, the minor J.D. above described, and the acts or omissions constituted failure to report suspected child abuse or neglect under Tex. Fam. Code § 261.101.

The acts or omissions constituted a failure to report suspected child abuse or neglect under Tex. Fam. Code § 261.101, because Defendant Principal Carter had a reasonable cause to believe that a child’s physical or mental health or welfare had been adversely affected by abuse or neglect by Defendant Joshua Nguyen.

Further, the acts or omissions constituted failure to report suspected child abuse or neglect under Tex. Fam. Code § 261.101 because Defendant Principal Carter had reasonable cause to believe that a child had been abused or neglected or may be abused or neglected, or that a child was a victim of an offense under Section 21.11, Penal Code, and had reasonable cause to believe that the child has been abused as defined by Section 261.001, including but not limited to:

- a. mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- b. causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- c. sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of

young child or disabled individual under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, improper relationship between educator and student under Section 21.12, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

- d. failure to make a reasonable effort to prevent sexual conduct harmful to a child; and
- e. All other applicable enumerated statutes.

B. FAILURE TO REPORT PURSUANT TO TRCP 118.002 – *Against Defendant Jodi Carter*

TRCP 118.002 requires that “In an action against a public school under this chapter, the professional school employee who committed the act or omission on which the claim is based must be named as a defendant.” Tex. Civ. Prac. & Rem. Code § 118.002(b).

As described herein, Plaintiffs have alleged that RFISD is liable under the Act for the failure of Defendant Principal Carter to report suspected child abuse or neglect under Section 261.101, Family Code. *See* Tex. Civ. Prac. & Rem. Code §118.002(a)(2).

Texas law requires that “a person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter. Tex. Fam. Code § 261.101.”

Texas law also requires a “professional” to immediately make a report “if a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by

Section 261.001. *Id.*

Defendant Principal Carter is a “professional” as defined by Tex. Fam. Code § 261.101(b) because they are individuals who are “licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children.”

Minor child J.D. is the type of victim the statute seeks to protect, and her injuries are the type of injuries the statute seeks to prevent.

For the reasons described herein, Defendant Principal Carter had reasonable cause to believe that minor child J.D.’s physical or mental health or welfare had been adversely affected by abuse or neglect.

Defendant Principal Carter willfully and knowingly failed to report such abuse and, therefore, was in violation of Tex. Fam. Code § 261.101.

Defendant Principal Carter willfully and knowingly failed to report such abuse and, therefore, was also negligent per se.

Defendant Principal Carter’s conduct was grossly negligent, in that, when viewed objectively from the standpoint of Defendant Principal Carter at the time of the act or omission, the conduct involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others, and in that Defendant Principal Carter had actual, subjective awareness of the risk involved, but, nevertheless, proceeded with conscious indifference to the rights, safety, and welfare of minor child J.D. and other minor children.

Defendant Principal Carter’s failure to report the abuse caused minor child J.D. to suffer injury and damages by being or continuing to be abused, for which Defendant Principal

Carter is liable.

C. CIVIL SEXUAL ASSAULT – *Against Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen*

Plaintiffs re-allege each aforementioned allegation as if fully incorporated below.

Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen committed civil sexual assault on J.D. Specifically, Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen intentionally, knowingly or recklessly caused unwanted and unwelcomed physical contact with J.D. and it caused bodily injury to J.D.

J.D. was a minor child who could not consent to any sexual contact by Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen.

Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen's behavior as detailed herein constitutes assault as defined by Texas law. By continuously statutorily raping minor J.D., over a period of time, Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen intentionally and knowingly causing an offensive physical contact with minor J.D. without her consent. As a proximate result of the sexual assaults, minor J.D. has suffered damages as described herein.

Additionally, J.D.'s harm arises as a result of conduct that violates several sections of the Texas Penal Code, including:

- a. § 21.02(c)(6). Continuous Sexual Abuse of Young Child or Disabled Individual;
- b. § 21.11(a)(2)(B). Indecency with a Child by Causing the Child to Expose the Child's Anus or Any Part of the Child's Genitals;
- c. § 22.11. Sexual Assault;
- d. § 21.18. Sexual Coercion;

- e. § 21.19. Unlawful Electronic Transmission of Sexually Explicit Visual Material;
- f. § 22.21. Aggravated Sexual Assault;
- g. § 43.25. Sexual Performance by a Child;
- h. § 43.26. Possession or Promotion of Child Pornography; and
- i. All other applicable enumerated statutes.

This intentional behavior proximately caused minor J.D. to experience significant emotional and mental pain, anguish, and distress, as well as violating her right to have bodily autonomy. Minor child J.D., in all reasonable likelihood will continue to suffer such harm in the future.

Thus, in addition to actual damages, Plaintiff seeks punitive damages, and such damages are not subject to capping.

D. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – *Against Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen*

Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen’s conduct was intentional. Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen deliberately groomed and initiated sexual contact with minor J.D. on multiple occasions.

Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen’s actions constituted sexual abuse under numerous sections of the Texas Penal Code, including but not limited to:

- a. § 21.02(c)(6). Continuous Sexual Abuse of Young Child or Disabled Individual;
- b. § 21.11(a)(2)(B). Indecency with a Child by Causing the Child to Expose the Child’s Anus or Any Part of the Child’s Genitals;

- c. § 22.11. Sexual Assault;
- d. § 21.18. Sexual Coercion;
- e. § 21.19. Unlawful Electronic Transmission of Sexually Explicit Visual Material;
- f. § 22.21. Aggravated Sexual Assault;
- g. § 43.25. Sexual Performance by a Child;
- h. § 43.26. Possession or Promotion of Child Pornography; and
- i. All other applicable enumerated statutes.

Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen's conduct was extreme and outrageous. As recognized by the Texas Penal Code, sexually abusing a minor child along with attempting to prostitute a minor child to third-parties are acts beyond all bounds of decency. Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen's actions are rightfully regarded as atrocious and utterly intolerable in a civilized society.

Defendant's conduct proximately caused severe emotional distress to J.D.

Since the incidents, J.D. has suffered sleep disturbance, anxiety, school avoidance, withdrawal from social activities, and panic in public; she has begun trauma-informed therapy. These harms were the natural and foreseeable result of Defendants Joshua Nguyen, Brandon Nguyen, and Brennen Nguyen's intentional sexual actions.

**E. AGENCY, RESPONDEAT SUPERIOR AND VICARIOUS LIABILITY –
*Against Defendants RFISD & TCA***

Plaintiffs re-alleges each aforementioned allegation as if fully incorporated below.

Defendant TCA and Defendant RFISD are responsible for the conduct of their employees, and/or agents, due to the relationship that existed, among other acts and omissions

of negligence which may be shown during the trial of this cause.

Further, at all material times, Defendant Joshua Nguyen was acting within the course and scope of his employment with Defendant TCA and Defendant RFISD.

**F. NEGLIGENT HIRING, RETENTION, TRAINING, AND SCREENING –
*Against Defendants RFISD & TCA***

Plaintiffs re-alleges each aforementioned allegation as if fully incorporated below.

Defendant TCA and Defendant RFISD failed to properly screen, hire and train its employees, including Defendant Joshua Nguyen. Defendant knew or should have known that its employee should not have been operating as an employee and/or posed a risk of harm to students like J.D.

It was foreseeable that an assault may occur if Defendants TCA and RFISD did not undertake proper procedures. Defendant provided its employee with direct access to students, despite failing to adequately investigate, regulate, monitor, and supervise their employee.

G. GROSS NEGLIGENCE – *Against All Defendants*

Plaintiff re-alleges each aforementioned allegation as if fully incorporated below.

Plaintiff will further show that the acts and/or omissions of Defendants, when viewed objectively from Defendants' standpoint, involved an extreme risk considering the probability and magnitude of the potential harm to others. Defendants had actual subjective awareness of the risk involved, but nevertheless proceeded in conscious indifference to the rights, safety, and/or welfare of others, including J.D. As such, Defendants' actions and omissions constitute gross negligence. Therefore, Plaintiffs pray that punitive damages be awarded against Defendants.

VII. DAMAGES

As a direct and proximate result of Defendants' acts and omissions described above which exceed \$10,000,000, Plaintiffs have incurred the following damages:

- a. Conscious physical and mental pain and suffering, and anguish, past and future;
- b. Physical impairment, past and future;
- c. Loss of enjoyment of life and peace of mind, past and future;
- d. Reasonable and necessary medical, counseling, psychiatric, therapeutic, and related expenses, past and future;
- e. Loss of earnings and earning capacity; and
- f. Such other damages that will be shown at trial.

Plaintiffs seek any and all damages to which she may be entitled. As stated, Plaintiffs also seek exemplary damages in an amount within the jurisdictional limits of the Court.

VIII. NOTICE OF INTENT TO USE DISCOVERY AT TRIAL

Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiffs hereby give notice that she intends to use all discovery instruments produced in this case at trial. Such discovery instruments include, but are not limited to, all documents Defendants will produce, or has produced, in response to Plaintiffs' written discovery requests.

IX. REQUEST FOR JURY TRIAL

Pursuant to Texas Rule of Civil Procedure 216, Plaintiffs demand a jury trial. The appropriate jury fee has been or will be paid to the clerk of the court within thirty (30) days in advance of the trial setting.

X. PRESERVATION OF EVIDENCE

TEXAS RULE OF CIVIL PROCEDURE 193.7 NOTICE Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiffs may enter into evidence at the trial of this matter all documents produced to Defendants in response to discovery requests.

PRAYER

By reason of all the above and foregoing, Plaintiffs are entitled to recover from Defendants the damages set forth in this petition, within the jurisdictional limits of this Court. Plaintiffs also seek pre-and post-judgment interest at the maximum legal rate, costs of court, punitive damages, and any other relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

THE BUZBEE LAW FIRM

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Case Contacts

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