

CAUSE NO. 25476A

CHRISTIE FLOYD and DAVID FLOYD,	§	IN THE ^{216th} DISTRICT COURT
DAVID FLOYD as representative of the	§	
ESTATE OF JAYDA FLOYD,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	
THE DAVIS COMPANIES, INC., DIV HTR	§	
KERRVILLE, LLC, BLUE WATER	§	
DEVELOPMENT, LLC, and ILANA	§	
CALLAHAN,	§	
	§	
<i>Defendants.</i>	§	KERR COUNTY, TEXAS

Plaintiffs' Original Petition

Plaintiffs CHRISTIE FLOYD, Individually, DAVID FLOYD, Individually, and DAVID FLOYD, as representative of the ESTATE OF JAYDA FLOYD (collectively "Plaintiffs") complain of THE DAVIS COMPANIES, INC., DIV HTR KERRVILLE, LLC, BLUE WATER DEVELOPMENT, LLC, and ILANA CALLAHAN (collectively "Defendants"), and would respectfully show unto the Court the following:

I.

Discovery Level

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

II.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has personal jurisdiction over the defendants as all or a substantial part of the events giving rise to this cause

of action occurred in Texas and Defendants reside and/or conducts substantial business within the State of Texas.

3. Venue is proper here pursuant to Texas Civil Practice and Remedies Code § 15.002.

III.

Parties

4. Plaintiffs are all citizens of Texas.

5. Plaintiffs David and Christine Floyd are citizens of the State of Texas and the parents of Jayda Floyd.

6. Defendant THE DAVIS COMPANIES, INC. (“TDC”), doing business as HTR Investors, and doing business as HTR TX Hill Country, is a foreign for-profit corporation that may be served by and through its registered agent CT Corporation System located at 1999 Bryan St., Ste. 900, Dallas, Texas 75201. TDC owns the HTR Resorts, including HTR TX Hill Country Resort.

7. Defendant DIV HTR KERRVILLE, LLC (“HTR”) is a foreign entity that may be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. HTR owns the land on which HTR TX Hill Country is located.

8. Defendant BLUE WATER DEVELOPMENT, LLC (“Blue Water”) is a domestic limited liability company that may be served by and through its registered agent Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701. Blue Water is believed to be the company that operated HTR TX Hill Country at all material times.

9. Defendant ILANA CALLAHAN is a Texas resident who may be served at her last known residential address, 76 Pecan Dr. S, Kerrville, TX 78028-8208, or wherever she may be

found. Ms. Callahan was the general manager of HTR TX Hill Country at the time of the tragic events that form the basis of this lawsuit.

IV.

Facts

10. In the early morning hours of July 4th, 2025, flood waters ravaged through Central Texas. Among the worst hit area was the Guadalupe River Basin, particularly in the area of Kerrville, Texas. HTR TX Hill Country, an RV and glamping resort, was located along the Guadalupe River.

11. On the evening of July 3rd, 2025, and early morning hours of July 4, 2025, Jayda Floyd and her fiancé, Bailey Martin, were guests of HTR TX Hill Country Resort. Floyd, who served her community as a juvenile probation officer, and her fiancé, who served his community as a police officer, were staying for the holiday in their RV, parked at the HTR TX Hill Country Resort. When the flood waters hit in those early hours of July 4th, it is believed that Jayda and Bailey were swept away along with their RV. Unfortunately, they were not able to survive the event. This lawsuit is necessary as a result of the death of Jayda Floyd.

12. The flood waters scraped the structures from the HTR TX Hill Country Resort, leaving a barren wasteland. The following image, which was captured by KSAT 12, shows part of HTR TX Hill Country Resort:



13. Despite awareness of the risk of flooding, including catastrophic flooding, Defendants continued to use the premises to operate HTR TX Hill Country Resort, inviting guests, including Jayda Floyd and Bailey Martin, to stay at the property for a fee. Defendants did not warn users of the property, including Floyd and Martin, of this risk. Further, Defendants failed to timely evacuate the premises and, if Defendants attempted any evacuation, the evacuation was not performed in a safe and effective manner. Defendants lacked proper plans, protocol, and equipment to respond to the flooding. Further, Defendants used structures at HTR TX Hill Country Resort which were not designed to withstand flooding conditions such as those expected and encountered on this occasion. In addition to using resilient design and construction to minimize the dangers posed by natural disasters, Defendants failed to implement sufficient infrastructure improvements and maintenance to establish and maintain a safe means of egress from the property to safety.

14. If Defendants were paying adequate attention to the development of potential flooding, a danger that they knew or should have known to be life threatening, the following warnings were ignored:

- **5:47 p.m. Wednesday, July 2:** Texas Division of Emergency Management (TDEM) announced the agency activated state emergency response resources in anticipation of flooding in West and Central Texas
- **Morning of Thursday, July 3:** National Water Center issues Flood Hazard Outlook, identifying flash flood potential for Kerrville and surrounding areas, according to the **Department of Homeland Security**
- **Approximately 1:45 p.m., Thursday, July 3:** A Flood Watch was issued for Kerr County
- **6:22 p.m. Thursday, July 3:** National Water Center warns of considerable flooding risks north and west of San Antonio, including Kerrville, according to the **Department of Homeland Security**
- **Approximately 8:12 p.m. Thursday, July 3:** The Flood Watch was extended
- **1:14 a.m. Friday, July 4:** Flash Flood Warning with “Considerable” tag issued for Bandera and Kerr Counties, triggering Wireless Emergency Alerts (WEAs) and NOAA Weather Radio notifications, according to the **Department of Homeland Security**
- **Approximately 2:37 a.m. Friday, July 4:** The Flash Flood Watch was extended
- **3:19 a.m. Friday, July 4:** A River Flood Warning was issued for the Guadalupe River at Hunt
- **Approximately 3:28 a.m. Friday, July 4:** A Downstream River Flood Warning was issued for the Guadalupe River in Kerrville
- **Approximately 3:36 a.m. Friday, July 4:** A Flash Flood Warning was issued for south-central Kerr and northwest Bandera Counties
- **Approximately 3:56 a.m. Friday, July 4:** A new River Forecast Warning was issued for the Guadalupe River at Hunt
- **Approximately 4:04 a.m. Friday, July 4:** A Flash Flood Emergency was issued
- **4:23 a.m. Friday, July 4:** NWS posted on X that “a PARTICULARLY DANGEROUS SITUATION and a Flash Flood EMERGENCY is in effect”
- **5:34 a.m. Friday, July 4:** A Flash Flood Emergency for the Guadalupe River from Hunt through Kerrville and down to Center Point was issued

15. According to reports, police and fire officials observed RVs being swept away in the darkness at or near the campground around 5:00am. Surviving guests of the HTR TX Hill Country Resort campground report that it was someone honking a car horn that awoke them, and they were barely able to escape with their lives as the water rose from ankle deep to waist deep in minutes. Witnesses report watching in horror as the flood waters carried away entire cabins, ripped from their foundations, and RVs, while people trapped inside them screamed for help.

16. Defendants were negligent and grossly negligent for the following reasons:

- a. Failing to establish proper storm and flood monitoring procedures;

- b. Failing to provide proper equipment and training for their employees and/or agents to monitor the potential for catastrophic flooding;
- c. Failing to establish proper emergency response procedures;
- d. Failing to establish proper evacuation procedures and processes;
- e. Failing to properly, safely, and timely evacuate the property;
- f. Failing to warn guests of the risk of flooding and/or of the actual flooding that occurred;
- g. Placing guests in a known floodplain with a history of dangerous flooding;
- h. Installing structures not designed to withstand flooding conditions;
- i. Failing to implement sufficient infrastructure improvements and maintenance to establish and maintain a safe means of egress from the property to safety in the event of a flood such as the one encountered;
- j. Any violations of applicable, local, state, and federal laws and/or regulations;
- k. Vicarious liability for the conduct of its agents and/or employees; and
- l. Other acts negligent acts or omissions identified throughout the course of the lawsuit.

V.

Damages

17. As a result of Defendants' conduct, Plaintiffs sustained severe injuries to their bodies which resulted in physical pain, mental anguish, disfigurement, and other medical problems. Plaintiffs have sustained severe pain, physical impairment, discomfort, disfigurement, mental anguish, and distress. Plaintiffs have also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiffs have incurred and will incur pharmaceutical and medical expenses in connection with his injuries.

18. Moreover, as a direct and proximate result of the Defendants' conduct, Jayda Floyd

sustained severe injuries to her body, which resulted in physical pain, mental anguish, discomfort, physical impairment, emotional distress, and other medical problems. She died as a result. Her parents lost their beloved daughter. Plaintiffs have sustained in the past and will continue to sustain in the future:

- a. Pre-death physical pain and suffering;
- b. Pre-death mental pain, suffering, emotional distress, and mental anguish;
- c. Loss of earning capacity, support, and inheritance;
- d. Loss of fringe benefits;
- e. Loss of services and support;
- f. Loss of nurture, guidance, care, and instruction;
- g. Loss of enjoyment of life;
- h. Loss of future pecuniary support;
- i. Loss of society and companionship;
- j. Emotional distress and mental anguish; and
- k. All other damages recoverable under the law.

19. In addition, Plaintiffs are entitled to punitive damages because the aforementioned actions of Defendants were grossly negligent. Defendants acted with flagrant and malicious disregard of Plaintiffs' and others' health and safety. Defendants were objectively aware of the extreme risk posed by the conditions which caused Plaintiffs' injuries, but did nothing to rectify them. Defendants' acts and omissions involved an extreme degree of risk considering the probability and magnitude of potential harm to Plaintiffs and others. Defendants had actual, subjective awareness of the risk, and consciously disregarded such risk. Accordingly, Plaintiffs are entitled to and seeks exemplary damages.

20. Plaintiffs have been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which they now sue. Pursuant to Rule 47, Plaintiffs seek monetary relief within the jurisdictional limits of this Court and over \$1,000,000.00.

VI.

Jury Demand

21. Plaintiffs hereby demand a trial by jury.

VII.

Prayer

22. Plaintiffs pray that citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon trial, Plaintiffs have judgment against Defendants in a total sum in excess of the minimum jurisdictional limits of this Court, plus prejudgment interest and post judgment, for all costs of Court, attorneys' fees, exemplary damages, and all such other and further relief, both at law and equity to which Plaintiffs may be justly entitled.

Respectfully submitted,

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