

CAUSE NO. _____

JUSTIN HOWARD AND
DANIELLE MCKINNON
Plaintiffs,

vs.

RESTAURANT BRANDS
INTERNATIONAL, INC.; POPEYES
LOUISIANA KITCHEN, INC.;
AAMANA BUSINESSES INC.;
AND JOHN DOES 1-10

Defendants

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR JURY TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs, Justin Howard and Danielle McKinnon, files their Original Petition and Request for Jury Trial, and complain about the heinous conduct of Defendants Restaurant Brands International; Popeyes Louisiana Kitchen, Inc.; and John Does 1-10 (collectively "Defendants") and respectively show unto the Court the following:

**I.
DISCOVERY CONTROL PLAN**

1.1 Plaintiffs' claims and causes of action against Defendants are being filed under a Level 3 Discovery Plan under Tex. R. Civ. P. 190.3, or pursuant to a case management order issued by this Court. Plaintiff's damages are in excess of \$1,000,000.00.¹

¹ Plaintiffs reserve the right to adjust this estimate as discovery progresses in the case.

II.

PARTIES

2.1 Plaintiff, Justin Howard, is an individual who resides in Missouri City, Fort Bend County, Texas.

2.2 Plaintiff, Danielle McKinnon, is an individual who resides in Katy, Harris County, Texas.

2.3 Defendant, Restaurant Brands International, Inc. (“RBI”), is foreign for-profit corporation authorized to do business in the State of Texas. RBI can be served through its registered agent C T Corporation System, 1200 South Pine Island Rd, Plantation, FL 33324.

2.4 Defendant, Popeyes Louisiana Kitchen, Inc., (“Popeyes”) is foreign for-profit corporation authorized to do business in the State of Texas. Popeyes can be served through its registered agent CT Corporation System at 1999 Bryan Street, Suite 900 Dallas, Texas 75201.

2.5 Defendant, AAMANA Businessess Inc. (“AAMANA”) is a domestic for-profit corporation authorized to do business in the State of Texas. AAMANA can served through its registered agent Sharif Dhanai, 2719 Sugarwood Drive, Sugar Land, Texas 77478 or wherever he may be found.

2.6 John Does 1-10 are individuals who true name, address, and telephone number are currently unknown at this time.

III.

VENUE

3.1 Venue is appropriate, because a substantial portion of the events or omissions occurred in Harris County, Texas, including alleged tortious and otherwise improper conduct by Defendants. TEX. CIV. PRAC. & REM. Code § 15.002(a)(1).

3.2 This Court has jurisdiction over the controversy because the damages are within the jurisdictional limits and alleged matters are within the statutory and common law jurisdiction of this court. Plaintiffs have also satisfied all conditions precedent to bring the claims alleged in this suit.

IV. **MISNOMER AND ALTER EGO**

4.1 To the extent any party is misnamed or omitted, Plaintiffs contends that such omission was a misidentification or misnomer, or that the omitted party is an alter ego or vice principal of a party named herein. *Mancorp, Inc. v. Culpepper*, 802 S.W.2d 226, 228 (Tex. 1990) (citing *Castleberry v. Branscum*, 721 S.W.2d 270, 272 (Tex. 1986)).

IV. **VICARIOUS AND DIRECT LIABILITY**

5.1 Whenever in this petition it is alleged that Defendants did any act or thing, it is meant that Defendants' members, managers, vice principal(s), officers, agents, servants, employees or representatives did such act or thing and that at the time such act or thing was done, it was done with the full authority, authorization or ratification of or by the Defendants and was done in the normal and routine course and scope of such person's duties, responsibilities and/or employment of Defendants. Plaintiffs expressly allege the acts and omissions of these actors imposed or created direct and/or vicarious liability upon Defendants for their damages.

VI. **FACTS**

A. Defendants Failed the Most Basic Rule of Food Safety

6.1 This case involves fundamental safety rules that protect every member of the public. Basic rules such as (1) never serving food containing foreign objects; (2) maintaining sanitary food preparation environments; (3) inspecting every product before it reaches customers; (4) training employees to identify contamination; (5) immediately removing contaminated products from service; (6) treating contamination complaints as public health concerns—not customer service inconveniences; and most importantly (7) protecting every customer who walks through the restaurant doors.

6.2 These rules are vital because public safety depends on them. Violating these rules unnecessarily exposes every customer to preventable danger.

6.3 This case is about a preventable breakdown of those basic food safety rules by Defendants. When a restaurant serves food to the public, it assumes one of the highest responsibilities recognized in everyday commerce: protecting customers from contamination they cannot see and cannot guard against themselves.

6.4 On or about July 25, 2026, Plaintiffs purchased chicken from the Popeyes restaurant located at 7416 South Sam Houston Parkway West, Houston, Texas. The meal appeared ordinary. It was not.

6.5 While sharing the meal with Plaintiff McKinnon, Plaintiff Howard bit into a piece of chicken and immediately discovered what appeared to be a condom-like foreign object embedded within the chicken itself.



6.6 The discovery instantly transformed what should have been an ordinary family meal into a deeply disturbing and frightening event. Plaintiffs immediately stopped eating. They became physically nauseated. They were horrified by the possibility that they had already ingested contaminated food before discovering the object.

B. Defendants Created an Unnecessary Risk of Harm

6.7 Plaintiffs had no ability to determine: (1) what the object actually was; (2) how long it had been in contact with the food; (3) whether it had been exposed to bodily fluids; (4) whether contamination had spread throughout the meal; or (5) whether they had already consumed contaminated portions before discovering it.

6.8 The appearance of the object naturally and reasonably caused Plaintiffs to fear exposure to infectious contaminants, bacteria, viruses, bloodborne pathogens, bodily fluids,

sexually transmitted diseases, or other hazardous substances. No customer should ever be forced with these fears.

C. Every Safety Check Failed

6.9 Foreign objects do not become incorporated into prepared food without multiple preventable failures. Such failures include, but not limited to, are: (1) sanitation procedures; (2) employee hygiene; (3) food preparation; (4) supervision; (5) quality assurance; (6) inspection procedures; (7) management oversight; (8) contamination prevention protocols; (9) food handling practices; and (10) employee training.

6.10 Had Defendants followed any of these reasonable food safety procedures, the contaminated food would never have reached Plaintiffs. Instead, Defendants served it.

D. Defendants Chose Indifference Instead of Responsibility

6.11 Immediately after discovering the foreign object, Plaintiffs returned to the restaurant. Rather than expressing concern for customer safety or treating the incident as a serious contamination event, Defendants' agents and employees laughed and continuously humiliated Plaintiffs.

6.12 Instead of promptly investigating the contamination, preserving evidence, or recognizing the seriousness of the complaint, management repeatedly attempted to replace the contaminated chicken rather than issue a refund. But only after persistence by Plaintiffs were they finally refunded.

6.13 This conscious indifference exemplifies that customer safety was secondary to minimizing the incident.

E. Plaintiffs Continue to Suffer

6.14 The psychological impact of the incident did not end at the restaurant. Plaintiffs continue to feel the real, physical, mental, and emotional pain and damages that Defendants unjustly caused them. These pains, damages, and mental anguish suffered by Plaintiffs were a foreseeable consequence of serving contaminated food to unsuspecting consumers. Thus, Plaintiffs seek recovery of economic damages that they suffered.

6.15 Defendants were responsible to follow, basic and simple rules to protect not only Plaintiffs', but the general public's safety. However, Defendants violated these rules unnecessarily, leading to exposure to every customer, including Plaintiffs, to preventable dangers. Defendants not only failed Plaintiffs, but the general public as a whole.

VII. **CAUSES OF ACTION**

A. COUNT I — NEGLIGENCE

7.1 Plaintiffs incorporate the foregoing paragraphs herein by reference. Defendants breached their duties to Plaintiffs in a number of ways, including, but not limited to:

- a. Failing to implement and enforce adequate quality control measures, thereby allowing a foreign object to remain in food served to consumers;
- b. Failing to properly inspect raw materials and ingredients, resulting in the introduction of contaminated or unsafe components into the final product;
- c. Failing to adequately train and supervise its agents in safe handling, preparation, and inspection protocols;
- d. Failing to comply with state and local health regulations and industry standards designed to protect consumers from hazardous food conditions;
- e. Failing to maintain a safe and sanitary food preparation environment, including neglecting routine equipment maintenance and proper cleanliness;
- f. Failing to exercise due diligence in monitoring and managing supplies to prevent the delivery and use of contaminated or substandard ingredients; and/or

- g. Failing to conduct timely internal reviews or implement corrective measures following prior incidents, thereby continuing to place consumer health and safety at risk.

7.2 Defendants breached these duties and those breaches proximately caused Plaintiffs to suffer a great deal of damages as they were and continue to be severely injured.

B. COUNT II — GROSS NEGLIGENCE

7.3 Plaintiffs incorporate the foregoing paragraphs herein by reference. The conduct described herein involved an extreme degree of risk because contaminated food presents dangers that consumers cannot detect before eating.

7.4 Defendants knew, or should have known, that failing to implement and enforce adequate food safety procedures created a serious risk of physical injury, contamination, emotional trauma, and public health consequences.

7.5 Despite this knowledge, Defendants acted with conscious indifference to the safety and welfare of customers. Such conscious indifference was a producing cause of Plaintiffs' injuries.

C. COUNT III — NEGLIGENT HIRING, TRAINING, SUPERVISION, AND RETENTION

7.6 Plaintiffs incorporate the foregoing paragraphs herein by reference. Defendants failed to adequately hire, train, supervise, monitor, and retain employees responsible for food preparation, sanitation, inspection, and customer response.

7.7 Such failures were a producing cause of Plaintiffs' injuries.

D. COUNT IV — STRICT PRODUCTS LIABILITY

7.8 Plaintiffs incorporate the foregoing paragraphs herein by reference. The chicken served to Plaintiffs deviated from its intended design and contained a foreign object rendering it unreasonably dangerous for ordinary consumption.

7.9 Plaintiffs suffered damages as a direct result.

E. COUNT V — BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY

7.10 Plaintiffs incorporate the foregoing paragraphs herein by reference. Defendants impliedly warranted that the food sold to Plaintiffs was wholesome, merchantable, and fit for ordinary human consumption.

7.11 Food containing an embedded foreign object is not merchantable. Defendants breached this warranty. Defendants breach proximately caused Plaintiffs to suffered damages as a direct result.

F. COUNT VI — BREACH OF IMPLIED WARRANTY OF FITNESS FOR HUMAN CONSUMPTION

7.12 Plaintiffs incorporate the foregoing paragraphs herein by reference. Defendants impliedly that the fold they sold was fit for consumption. However, the food sold by Defendants was not reasonably fit for its intended purpose because it contained an apparent foreign contaminant.

7.13 Defendants breach proximately caused Plaintiffs to suffered damages as a direct result.

G. COUNT VII — TEXAS DECEPTIVE TRADE PRACTICES—CONSUMER PROTECTION ACT

7.14 Plaintiffs incorporate the foregoing paragraphs herein by reference. Plaintiffs are consumers under the DTPA. Defendants represented that the food sold was safe, sanitary, and fit for consumption.

7.15 Those representations were false because the product served to Plaintiffs contained a foreign object and was not fit for ordinary consumption.

7.16 Plaintiffs seek all remedies available under the DTPA, including economic damages, mental anguish damages where authorized, additional damages for knowing conduct if supported by the evidence, attorney's fees, and costs.

VIII.
DAMAGES

8.1 Defendants' acts and/or omissions solely and proximately caused Plaintiffs to sustain the following injuries and damages: past and future medical/healthcare expenses; physical pain and suffering in the past and future; mental anguish; lost wages; attorney's fees if permitted by law; pre-judgment and post-judgment interest; and costs of court. Plaintiffs allege that their joint compensatory damages are in excess of \$1,500,000.00.

VIX.
JURY DEMAND

9.1 Plaintiffs demand a jury trial and tender the appropriate fee with this Original Petition.

X.
REQUEST FOR DISCLOSURES

10.1 Pursuant to the Texas Rules of Civil Procedure, Plaintiffs request that Defendants disclose in writing to Plaintiffs the information and material described under Tex. R. Civ. P. 194 and which are discoverable in this case.

X.
PRAYER

For the above reasons, Plaintiffs ask that Defendants be cited to appear and answer herein, and that upon trial on the merits, Plaintiffs be awarded compensatory and exemplary damages as alleged and/or proved at trial, together with attorney's fees, pre-and-post-judgment interest at the maximum lawful rate, costs of court, and such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

/s/ Wesley Pluviose-Philip
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Amanda Walsh on behalf of Wesley Pluviose-Philip

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Status as of 8/3/2026 2:45 PM CST

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