

billboard

At least 14 lawsuits have already been filed in Houston court over the disaster.

Travis Scott, Live Nation and others involved in organizing Astroworld are facing a flood of litigation following Friday's deadly crowd surge, legal experts say, with more than a dozen cases already filed and the potential for hundreds of millions in damages or settlements.

As of Monday morning, a least 14 lawsuits have already been filed in Houston court over the incident, which left eight dead and dozens more injured. In one case filed Saturday, a victim called the disaster a "preventable tragedy" and accused Scott of having "actively encouraged and fomented dangerous behaviors." Government investigations, separate from the civil cases, are also underway.

Many more lawsuits are likely on the way. According to Muhammad S. Aziz, a Houston attorney who represented victims of the 2017 mass shooting at the Route 91 Harvest country music festival in Las Vegas that resulted in an \$800 million settlement, the tragedy at Astroworld is almost certain to see hundreds of individual claims and could result in a nine-figure award. "It's going to be a massive case," said Aziz, who has already been contacted by victims of the disaster and has said he will likely be handling such cases. "The facts here are egregious."

Live Nation, Scott and Scoremore, another key Astroworld organizer, have thus far not returned requests for comment on the litigation.

The crush occurred during the first night of a planned two-day festival attended by more than 50,000 people. The event, named for one of Scott's albums, was hosted at the NRG Park stadium complex in his hometown of Houston. The exact cause of the disaster and the timeline events are still unclear, but videos and witness accounts appear to indicate a chaotic scene



in which the already-rowdy crowd surged toward the stage, making it difficult for some to breathe.

Most of the lawsuits will likely allege that the injuries and deaths were caused by various forms of negligence on the part of defendants -- meaning they knew about or should have known about the serious potential for harm to concertgoers and didn't do enough to stop it.

In the case of Live Nation, Scoremore and other institutional organizers, that will mean arguing that they failed to provide enough security to prevent overcrowding, or neglected to provide proper evacuation routes and medical support. Victims will also likely argue that organizers should not have allowed the concert to continue after first responders began attending to a "mass casualty" event.

In terms of Scott himself, the lawsuits could focus on his conduct during the concert, including the extent to which he became aware of mounting injuries in the crowd, or whether he continued to urge the crowd on after that point. One lawsuit filed Sunday also added as a defendant Drake, who took the stage later in the set, well after ambulances had first arrived.

For both Live Nation and Scott, accusers are certain to bring up the rapper's own checkered past with crowd control.

In 2015, he was arrested by Chicago police on allegations that he encouraged Lollapalooza attendees to climb over security barricades and storm the stage. In 2017, he was arrested again on similar charges in Arkansas. He was also sued over a rowdy Manhattan show in 2017 in which a video shows him encouraging fans to jump from a balcony. Several fans were also reportedly injured at the 2019 iteration of Astroworld.

“Those prior incidents will be offered up to show knowledge [on the part of Live Nation and Scott] of the potential risk of inadequate security and in urging the crowd to push forward, of the kind of tragic results that can occur,” said Richard Mithoff, a well-known Houston plaintiff's attorney who represented victims who died in the wake of Hurricane Rita.

The lawsuits over Astroworld will largely be filed as individual claims, not as a class action, but likely will be consolidated before a single judge for efficiency. They will be filed both by those who were injured in the event and by the family members of those who were killed.

The litigation will likely continue for years. Following the 2017 shooting at the Las Vegas concert festival, a settlement was not reached for nearly three years. Other similar “mass tort” cases have taken far longer to reach a resolution.

Faced with such accusations, the Astroworld organizers will have plenty of defenses, both procedural and substantive.

For starters, victims possibly agreed to a contract when they purchased their concert tickets, which could contain certain types of waivers of liability. Such agreements could also dictate that any lawsuits be filed in a different court, or that they be handled out of court via private arbitration. The organizers could also seek to push the cases from state court to federal court, which is often a preferred venue for large corporate defendants.

As to the substance of the claims, the organizers will point to the many precautions that go into any modern

concert, including approvals from local authorities and a 56-page “event operations plan” that outlined emergency procedures. So many police and private guards were reportedly present at Astroworld that Houston Mayor Sylvester Turner told the New York Times that “we had more security over there than we had at the World Series games.” And Scott himself has said he was unaware of the “severity of the situation” from the stage and was “devastated” to later learn of injuries and deaths.

Whether those arguments prevail will eventually be for a jury to decide, but the attorneys who will be filing these lawsuits are confident about the courtroom battles ahead

“There's some assumption of risk in a concert, but not that you're going to be crushed to death at a venue that's overcrowded,” said Aziz, the attorney who repped the Las Vegas shooting victims. “If you go into a mosh pit and get hurt, that's one thing. But the more stories you hear, these people just had nowhere to go.”