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Houston Music Festival Tragedy Lawsuits Coming, “Hundreds of Millions in Damages” Predicted

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The legal liabilities will reach into the hundreds of millions of dollars for the producers, promoters, performers and subcontractors – including security firms – of Houston’s Astroworld Festival Friday night that resulted in the deaths of eight people and dozens of others who were injured, legal experts predicted Saturday.

The music festival’s promoter, Live Nation, private security officials and operators of the area outside of NRG Park, where the festival was held, will be hit with lawsuits as early as Sunday or Monday, according to prominent lawyers who specialize in personal injury, wrongful death and premises liability.

Lawyers said rapper Travis Scott, who was performing on stage as the crowd-surfing tragedy was taking place in front of him, will almost certainly face lawsuits.

“Litigation will be filed by the end of the Monday or sooner because lawyers representing the victims need to move quickly to secure the evidence at the scene and to make sure evidence is not destroyed or tampered with,” said Houston attorney Randy Sorrels, who is past president of the State Bar of Texas.

“The insurance companies for the defendants are either already on the scene or are on their way,” Sorrels said. “There will be multiple investigations. OSHA (Occupational Health and Safety Administration) could investigate if any workers at the festival were killed or injured.”

Multiple efforts to contact officials at Live Nation or lawyers who have represented Live Nation in previous litigation, were unsuccessful.

In a statement on Instagram, Scott wrote that his prayers are for the victims and that he will cooperate fully with a Houston police investigation.

“There are multiple parties responsible for the environment at the festival and under Texas law, those parties have a duty to keep it safe,” said Houston lawyer Derek Potts. “Clearly, they failed, as this was a huge catastrophe. Every party involved also certainly has insurance coverage.”

Houston attorney C.J. Baker believes that authorities in Harris County and Houston will conduct a thorough and extensive investigation into what happened and who is responsible.

A major part of the investigation and litigation to come will focus on video coverage posted online by those who attended the festival.

“The thing that has shocked me the most is that there are social media posts of gates and entrances and barriers being torn down hours and hours before the main tragedy that killed the people took place,” Baker said. “The question is, could Live Nation, the largest concert provider and promoter in the U.S. have foreseen this kind of thing happening? If the answer is yes, then the damages the company is facing will be hundreds and hundreds of millions of dollars.”

A key issue in the future litigation in the Astroworld Festival tragedy will focus on the cause of death and injuries, according to prominent Houston trial lawyer Rusty Hardin.

“If the evidence shows that people were not trampled to death but instead died or injured because of pressure against them leaving them unable to breathe, then I think the producers will face even greater liability,” Hardin told The Texas Lawbook. “These were 50,000 people pushing to be as close to the stage and storming

in to be as close to Travis Scott as they could be and people were being squeezed.”

“Was the crowd’s reaction and the potential danger foreseeable? The mistake was in selling this number of tickets,” Hardin said. “The problem is, can you manage or control that number of people when you know they are going to storm the stage when Travis Scott is performing?”

Hardin said focusing on the security guards for responsibility is misplaced.

But Hardin and other legal experts say Scott could be facing significant liability.

“If the performer could tell there was a problem or if the performer agitated or incited the crowd, then the performer will have legal liability,” Baker said. “There is going to be a lot of video to review and we are going to know who said what and who did what.”

Lawyers say California-based Live Nation was also the promoter and producer of the 2017 event at the Mandalay Bay Resort & Casino in Las Vegas in which a Nevada man opened fire and killed 58 people and injured hundreds more. The victims and their families sued Live Nation and MGM Resorts, which owns Mandalay Bay. Those lawsuits were settled for an undisclosed amount.

“We don’t know all the facts yet, but the producer, Live Nation, obviously has the most exposure,” said Richard Mithoff, a prominent Houston lawyer. “These guys do concerts like this regularly and they have the expertise to know about safety and security and whether there are enough escape routes.”