

NO. 352-326212-21

DEBBIE HETMAN and	§	IN THE DISTRICT COURT
DARRELL SKAGGS	§	
	§	
v.	§	
	§	TARRANT COUNTY, TEXAS
ANGELS BASEBALL, LP, MORENO	§	
BASEBALL, LP,, MORENO BASEBALL	§	
COMPANIES INC., ERIC KAY,	§	
and TIM MEAD	§	_____ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION**

COMES NOW, Plaintiffs Debbie Hetman and Darrell Skaggs, the parents of Tyler Skaggs, and file this Original Petition against Defendants, Angels Baseball LP, Moreno Baseball LP, and Moreno Baseball Companies Inc. (hereinafter, collectively “Angels”), Eric Kay (“Kay”), and Tim Mead (“Mead”). Plaintiffs respectfully shows the Court the following:

**I. INTRODUCTION**

1. On July 1, 2019, Tyler Skaggs was found dead in his hotel room in Fort Worth, Tarrant County, Texas. His death was caused by Eric Kay, the Angels’ Director of Communications when Kay provided Tyler Skaggs with illegal drugs in Fort Worth, Texas.

2. After an extensive federal investigation, Kay was charged in Texas with “knowingly and intentionally distribut[ing] a mixture and substance containing a detectable amount of fentanyl... and the use of said substance resulted in the death and serious bodily injury of [Tyler Skaggs].” The criminal complaint details that Kay provided oxycodone pills to Tyler and that Kay would “distribute these pills to [Tyler Skaggs] and others in their place of employment and while they were working.”

3. The tragedy of Tyler's death was made worse by the revelation that it could have been avoided. Without question, the Angels knew or should have known that Kay was supplying illicit drugs to not only Tyler, but at least five other Angels' players, *i.e.*, 24% of the team's active roster. Kay had a long history of drug abuse, and the Angels knew about his problems with drug abuse and addiction. The Angels knew that Kay had gone to rehab several times during his employment with the Angels and that he had overdosed at least once. Despite all of this, Kay had complete access to players, day and night both off the field and on the field, who the Angels knew, or should have known, were trying to play through the pains and injuries associated with the long baseball season. This was a fatal mistake.

4. It has also been reported that Kay told federal agents that Tim Mead, the Vice President of Communications for the Angels, and at least one other individual within the Angels organization knew that Kay was dealing drugs to players, including Tyler. Mead, who was Kay's direct superior, had a long-term close and personal relationship with Kay. He also was well aware of Kay's drug problems, even visiting him in the hospital after Kay overdosed (less than three months before Tyler died). In spite of this knowledge, the Angels continued to allow him to have unrestricted access to the players and even asked him to accompany the team when it traveled for away games.

5. The Angels failed Tyler. And because of this failure, Tyler, who was on the brink of achieving certain and substantial success as a pitcher in MLB, had his life cut short.

## **II. DISCOVERY CONTROL PLAN**

6. Discovery is to be conducted under Level 3 pursuant to Rule 90 of the Texas Rules of Civil Procedure.

### III. PARTIES

7. Plaintiffs Debbie Hetman and Darrell Skaggs are residents of the state of California.

8. Defendant Angels Baseball LP is, and at all times mentioned in this Complaint was, authorized to operate by the State of California. This Defendants can be served through its registered agent, Molly Taylor at 2000 Gene Autry Way, Anaheim, California 92806. ***Citation is requested at this time.***

9. Moreno Baseball LP is and at all times mentioned in this Complaint was, authorized to operate by the State of California and the United States government and authorized and qualified to do business in the County of Los Angeles. This Defendants can be served through its registered agent, Molly Taylor at 2000 Gene Autry Way, Anaheim, California 92806. ***Citation is requested at this time.***

10. Defendant Moreno Baseball Companies Inc. is and at all times mentioned in this Complaint was, authorized to operate by the State of California and the United States government and authorized and qualified to do business in the County of Los Angeles. This Defendants can be served through its registered agent, Molly Taylor at 2000 Gene Autry Way, Anaheim, California 92806. ***Citation is requested at this time.***

11. Defendant Eric Kay is an individual residing in Orange County, California. He can be served with process at 2458 N Shady Forest LN, Orange, CA, 92867. ***Citation is requested at this time.***

12. Defendant Tim Mead is an individual residing in Los Angeles County, California. He can be served with process at 3534 Crooked Creek Dr., Diamond Bar, CA 91765. ***Citation is requested at this time.***

#### **IV. JURISDICTION AND VENUE**

13. The Court has jurisdiction over this controversy because the damages exceed the minimum jurisdictional limits of the Court. Venue is proper in Tarrant County because a substantial part of the events of Tyler Skaggs' death occurred in Tarrant County, Texas.

#### **V. FACTUAL BACKGROUND**

14. All facts and allegations are made upon information and belief.

##### **A. Tyler Skaggs' background.**

15. Tyler Skaggs grew up in California with a ball in his hand. Name the sport and he played it: baseball, basketball, football, and soccer. Baseball was clearly his favorite. He started in little league, and continued to play through juniors, travel ball, and high school.

16. His hard work and dedication paid off. By the time he was a senior in high school, he was no longer looking to play college baseball but instead had his sights set on the big leagues, which is exactly what he accomplished. Following his graduation from Santa Monica High School, the Los Angeles Angels took Tyler in the first round of the 2009 MLB amateur draft. A year later, after successful seasons in rookie ball in Arizona and Utah, and A ball in Iowa and Indiana, Tyler was traded to the Arizona Diamondbacks.

17. Tyler brought his strong work ethic with him to the minor leagues. He pitched for minor-league teams in seven different states. Then, on August 22, 2012, at 21 years of age, Tyler made his MLB debut as the Diamondbacks' starting pitcher in the first game of a double-header against the Miami Marlins. Tyler earned his first big-league win after giving up only two runs on three hits and striking out four batters in six and two-thirds innings.

18. Following the 2014 season, Tyler was traded back to the Angels. When Tyler arrived at the organization, he found a toxic environment that pressured players to play through the pain. Players who missed games due to injuries were called “pussies” and ridiculed. Tyler quickly realized that he was expected to pitch even when he was hurt.

19. The pressure to perform mounted after Tyler missed the 2015 season due to Tommy John surgery. Through hard work and dedication, Tyler was able to return in 2016 and pitched well, posting a 4.17 ERA despite the fact that he was still experiencing persistent pain and discomfort.

20. Tyler continued to suffer from nagging injuries throughout the 2017 and 2018 seasons. Yet again, he continued to give the Angels everything he had. In 2018, Tyler pitched 125 innings and posted a 4.02 ERA.

21. Tyler’ work ethic and commitment to his team was on full display in what unfortunately would be his final season. At the time of his death shortly before the All-Star break of the 2019 season, Tyler led he Angels pitching staff in several key categories including wins, number of starts, strikeouts, innings pitched and earned-run average. At age 27, the left-handed pitcher was 18 months from becoming a free agent.

**B. The Perfect Storm.**

22. Baseball teams, like the Angels, are fully aware of the rigors of a 162- game schedule and are aware that players are at risk of turning to medication to assist with pain management. Despite knowing that players are seeking to maximize performance and knowing about the risk that MLB players face from addictive pain medications, the Angels – with their toxic culture - created the perfect storm.

23. The Angels made the choice to continue to employ Eric Kay to work with the players on a daily basis. The Angels willfully granted him unfettered access to the players even though they knew or should have known that he was trafficking in illicit drugs. These conditions were outrageously dangerous and ultimately cost Tyler his life.

**C. Eric Kay.**

24. Kay worked for the Angels from 1996 to 2019. Beginning in 1998, Kay began abusing illegal drugs, including opioids.<sup>1</sup> The Angels were fully aware of Kay’s abuse of illegal drugs. He went to rehab multiple times while employed by the Angels. And in 2019, Kay missed work because he overdosed on illegal drugs and was hospitalized. Angels’ officials were aware of the overdose, including Tim Mead, the sixth highest ranking member of the Angels organization, who visited Kay in the hospital.

<b>EXECUTIVE MANAGEMENT</b>	
Ownership .....	Carole & Arte Moreno
Chairman .....	Dennis Kuhl
President .....	John Carpino
Chief Financial Officer .....	Bill Beverage
SVP, Finance and Administration .....	Molly Jolly
Vice President, Communications .....	Tim Mead
Vice President, Sales .....	Neil Viserto

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<sup>1</sup> T.J. Quinn, Angels Could Face MLB Sanctions, ESPN (Oct. 15, 2019), [https://www.espn.com/espn/otl/story/\\_/id/27852458/angels-face-mlb-sanctions-fines-club-violated-league-drug-policy](https://www.espn.com/espn/otl/story/_/id/27852458/angels-face-mlb-sanctions-fines-club-violated-league-drug-policy)

25. Despite his troubling behavior, Kay was never fired. To the contrary, Kay was promoted to the head of the Angels' Communications department and asked by the Angels to accompany the team on road trips.



26. This begs the question: Why would the Angels promote a drug addict to an executive position, which granted him unlimited access to the Angels' players, such that he was constantly seen hanging out with players in the locker room, on the team plane, and in their hotel rooms?

27. The answer to this question became obvious when Kay admitted to DEA investigators that he had been providing illegal opioids to at least six Angels' players.<sup>2</sup> Kay told the DEA that at least two executives in the Angels organization knew he was dealing illicit drugs to Angels' players. It has also been reported that on one particular incident in April 2019, just months before Tyler's death, Mead was specifically informed that Kay was providing drugs to

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<sup>2</sup> Mark Whicker, What Did the Angels Know About Tyler Skaggs, THE SUN (Oct. 17, 2019), <https://www.sbsun.com/2019/10/17/whicker-what-did-the-angels-know-about-tyler-skaggs-and-when/>

Tyler and that he was begged to intervene to stop it.<sup>3</sup> The world now knows though that despite this knowledge and the warnings, the Angels continued to provide Kay with opportunities to interact with and supply the players with drugs.

**D. The Death of Tyler Skaggs.**

28. In June of 2019, Tyler Skaggs travelled with the Angels to Fort Worth, Texas to play the Texas Rangers. Kay also travelled with the team. The DEA investigation found that Kay visited Tyler's room sometime after 11:50 pm the night of Tyler's death. The DEA agent further testified that the evidence showed that Kay had provided the oxycodone<sup>4</sup> pill that Tyler took that night. And that unbeknownst to Tyler, the pill the Angels' Communications Director gave him was laced with fentanyl, which experts have concluded is what caused his death.<sup>5</sup>

**E. The Indictment of Eric Kay.**

29. In October of 2020, Kay was indicted on two counts by a federal grand jury in Texas in the death of Angels pitcher Tyler Skaggs. Kay was indicted for allegedly distributing fentanyl to Tyler, which caused the pitcher's death at the age of 27.

30. The indictment accuses Kay of "knowingly and intentionally" distributing "a mixture and substance containing a detectable amount of fentanyl" that "resulted in the death and

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<sup>3</sup> T.J. Quinn, Los Angeles Angels Employee Details Team's Knowledge of Tyler Skaggs, ESPN (Oct. 12, 2019), [https://www.espn.com/espn/otl/story/\\_/id/27828247/los-angeles-angels-employee-details-team-knowledge-tyler-skaggs-drug-use-federal-dea-investigators-espn](https://www.espn.com/espn/otl/story/_/id/27828247/los-angeles-angels-employee-details-team-knowledge-tyler-skaggs-drug-use-federal-dea-investigators-espn)

<sup>4</sup> Oxycodone is a well-known drug used to alleviate moderate-to severe acute pain.

<sup>5</sup> Affidavit in Support of Criminal Complaint, United States v. Kay, No. 4:20-MJ-488 (5th Cir. July 30, 2020).



serious bodily injury of [Skaggs].” He is also accused of conspiring to possess fentanyl “with intent to distribute.”<sup>6</sup> Eric Kay is currently set for trial and faces 20 years to life in prison.

#### IV. CAUSES OF ACTION

##### Wrongful Death-Negligence against the Angels

31. Plaintiff alleges and incorporates by reference all the allegations contained in the paragraphs set forth above.

32. The essential elements of a cause of action for negligence are: (1) the defendant’s legal duty of care toward the plaintiff, (2) the defendant’s breach of duty—the negligent act or omission; (3) injury to the plaintiff as a result of the breach—proximate or legal cause; and (4) damage to the plaintiff.

33. Where a principal–agent relationship exists, a principal may be liable for an agent’s or even a subagent’s negligence under respondeat superior. The Angels are responsible for the conduct of Kay because there was a principal-agent relationship between the Angels and Kay. The Angels are also liable for the death of Tyler Skaggs because the misconduct of Kay was reasonably foreseeable by the Angels.

34. It is no coincidence that the Angels allowed Kay to be in the clubhouse. He was a drug addict and knew how to get illegal drugs. At the very least, acquiring drugs for the players was incidental to his employment and was reasonably foreseeable to the Angels.

35. The Angels owed Tyler Skaggs a duty to provide a safe place to work and play baseball. The Angels breached this duty when they allowed and permitted Kay, a drug addict,

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<sup>6</sup> Affidavit in Support of Criminal Complaint, United States v. Kay, No. 4:20-MJ-488 (5th Cir. July 30, 2020).

complete access to Tyler. The Angels also breached their duty when they allowed and permitted Kay to provide Tyler with dangerous illegal drugs. The Angels knew or should have known Kay was dealing drugs to players. Tyler Skaggs died as a result of the Angels' breach of their duties.

36. The Angels' culpability does not end there. The Angels are liable because they knew or should have known Tyler was being provided dangerous illegal drugs and allowed this behavior to continue. The Angels had numerous players in the past who were harmed by using illegal drugs, including Josh Hamilton. The Angels owed Tyler a duty to intervene to prevent harm from illegal drug use and a duty to prevent their agent from providing Tyler with dangerous illegal drugs. The Angels refused to do anything to intervene. The Angels did not fire Kay, did not remove Kay from the clubhouse, and did not properly restrict Kay's access to players such as Tyler Skaggs. The Angels likewise failed to intervene when it knew or should have known about Tyler's drug use. The Angels' breach of their duties caused the death of Tyler Skaggs.

37. Even if the Angels engaged in no misconduct, which they did, the Angels are still vicariously liable for the tortious acts committed by Kay and Mead. Kay was employed in a managerial capacity and acting within the scope of employment when he provided drugs to Tyler. Further, his actions were incident to his duties and could be reasonably foreseen by the Angels.

38. Kay, as the Director of Communications, is a high-level official within the Angels' organization and therefore his knowledge is imputed to the organization. He was obviously aware that he was providing illegal drugs to players and that players were taking illegal drugs.

39. As detailed by T.J. Quinn and ESPN's investigation: "Eric Kay, currently on paid leave as the Angels' communications director, told federal drug enforcement agents last month

that two team employees, including his former supervisor, Tim Mead, were informed of Skaggs' drug use but did not take action.”<sup>7</sup>

40. Mike Digiovanna of the Los Angeles Times conducted a separate investigation and learned: “Kay reportedly said two Angels officials — later identified as Tim Mead, the team’s former vice president of communications, and traveling secretary Tom Taylor — were told about Skaggs’ drug use long before his death.”<sup>8</sup>

41. As set forth by T.J. Quinn, Eric Kay’s mother Sandy Kay, and wife Camela Kay, confirmed that on April 22, 2019, they told Mead, one of the highest-ranking Angels executives, that Tyler was using opioids with Kay. They asked the Angels to intervene in player drug use. Again, the Angels chose to turn a blind eye to players’ illegal drug use because it benefitted the Angels.<sup>9</sup> If true, if Mead and the Angels had listened to the Kays’ pleas and heeded their warnings, Tyler would be alive today.

42. Mead, the Vice President of Communications, supervised Kay and knew about Kay’s drug addiction. Mead gave Kay unlimited access to players. Mead knew or should have known that Eric Kay was providing drugs to Angels’ players. Mead knew or should have known

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<sup>7</sup> T.J. Quinn, Angels Could Face MLB Sanctions, ESPN (Oct. 15, 2019), [https://www.espn.com/espn/otl/story/\\_/id/27852458/angels-face-mlb-sanctions-fines-club-violated-league-drug-policy](https://www.espn.com/espn/otl/story/_/id/27852458/angels-face-mlb-sanctions-fines-club-violated-league-drug-policy)

<sup>8</sup> Mike Digiovanna, Angels’ Eric Kay: People with ‘Roles’ in Tyler Skaggs’ Death Must Take Responsibility, LOS ANGELES TIMES (Oct. 13, 2019), <https://www.latimes.com/sports/angels/story/2019-10-13/angels-employee-eric-kay-calls-everyone-involved-in-tyler-skaggs-death-to-take-responsibility>

<sup>9</sup> T.J. Quinn, Los Angeles Angels Employee Details Team’s Knowledge of Tyler Skaggs, ESPN (Oct. 12, 2019), [https://www.espn.com/espn/otl/story/\\_/id/27828247/los-angeles-angels-employee-details-team-knowledge-tyler-skaggs-drug-use-federal-dea-investigators-espn](https://www.espn.com/espn/otl/story/_/id/27828247/los-angeles-angels-employee-details-team-knowledge-tyler-skaggs-drug-use-federal-dea-investigators-espn)

that Tyler Skaggs was taking illegal drugs. Despite all of this, Mead did not stop Eric Kay from supplying illegal drugs to players, did not prevent Kay's access to the players, and did not prevent Tyler Skaggs' drug use. Mead's breaches of his duties proximately caused Tyler Skaggs' death.

**Second Cause of Action - Wrongful Death-Negligence against Kay**

43. Plaintiff alleges and incorporates by reference all of the allegations contained in the paragraphs set forth above.

44. The fact that the Angels are directly and vicariously liable does not exonerate Eric Kay from liability for his tortious acts.

45. As set forth above, Kay is negligent in providing Tyler Skaggs illegal drugs. Kay is not a physician and has no medical training. Yet, he provided players, like Tyler Skaggs, illegal drugs to alleviate pain so they could play baseball. Kay had a duty to act reasonably and not provide dangerous life-threatening drugs to people. Kay breached that duty by providing illegal drugs to Tyler Skaggs. Kay's breach proximately caused Tyler Skaggs' death.

**Third Cause of Action - Wrongful Death-Negligence against Tim Mead**

46. Plaintiff alleges and incorporates by reference all the allegations contained in the paragraphs set forth above.

47. The fact that the Angels are liable under the rules of vicarious liability does not exonerate Mead from liability for his tortious acts.

48. As set forth above, Mead is negligent in numerous ways. For example, Mead had a duty to not allow a drug addict to have unsupervised access to baseball players. Mead had a duty to stop Kay's interaction with players once he learned or should have learned that Kay was providing dangerous illegal drugs to players, including Tyler. Mead had a duty to intervene when he learned or should have learned that Kay was providing players, including Tyler, dangerous

illegal drugs. Mead had a duty to restrict Kay's access to players when he learned or should have learned that Kay was providing players, including Tyler, dangerous illegal drugs.

49. Mead had a duty to intervene when he learned or should have learned that Tyler was using dangerous illegal drugs. Mead breached these duties by doing absolutely nothing and continuing to allow Kay to provide Tyler with dangerous illegal drugs. Tim Mead's breaches proximately caused Tyler Skaggs' death.

50. Defendants' conduct as set forth above shows a lack of any care on the part of Defendants, amounting to gross negligence. In doing the acts complained of, Defendants committed willful misconduct, recklessness, and gross negligence as follows: Defendants knew or had reason to know that the conduct committed by Defendants created a strong possibility that harm to Tyler would result from such conduct.

**Fourth Cause of Action - Wrongful Death-Negligent Hiring, Retention,  
and Supervision against the Angels**

51. Plaintiff alleges and incorporates by reference all of the allegations contained in the paragraphs set forth above.

52. At all relevant times, Kay was an employee, agent, servant, or contractor of the Angels, either as a direct employee or as an employee of some subsidiary, agent, or alter ego of the Angels and was acting in the course and scope of his employment at all relevant times.

53. The Angels owed the general public, as well as its players, a duty of reasonable care in the hiring, training, and/or supervision of its employees.

54. The Angels breached their duties of care by failing to take necessary precautions in the hiring, contracting, retention, training, and/or supervision of its employees, who committed the wrongful acts alleged.

55. At the time of the incident, Kay was unfit to perform the work for which he had been hired, trained, retained, and/or supervised by the Angels.

56. The Angels including its officers, directors, and/or managing agents, had complete control over the hiring, supervision, and retention of its employees.

57. The Angels failed to take reasonable care in hiring Kay and failed to adequately train or supervise him regarding Major League Baseball's Drug Intervention Program, and or how to interact with, supervise, and protect players with potential drug addiction.

58. The Angels knew that their failure to properly evaluate, train, and supervise employees Kay regarding safety measures could lead to the risk of the type of danger and harm that occurred at the time of the incident.

59. The officers, directors, and managing agents of the Angels knew that their hiring, retention, and supervision procedures for employees were inadequate and unsafe, leading to players and potentially members of the public to be exposed to a risk of serious harm or death. The officers, directors, and agents of the Angels knew that its hiring, retention, and supervision practices could foreseeably lead to injury and/or death.

60. The wrongful acts and/or omissions of the Angels were made, adopted, approved, authorized, endorsed, and/or ratified by their officers, directors or managing agents, and were done maliciously, oppressively, fraudulently, and/or with a willful and conscious disregard of the rights and safety of others, and/or the probable dangerous consequences for: the health and safety of Tyler Skaggs; and/or the welfare of Plaintiffs. The acts and/or omissions of the Angels were despicable, shocking and offensive, such that the conduct is subject to punitive damages.

### **Fifth Cause of Action – Gross Negligence**

61. The acts and/or omissions of Defendants, described above, when viewed from the standpoint of Defendants at the time of the act or omission, involved an extreme degree of risk, considering the probability of harm to Tyler Skaggs, others, and Plaintiffs. Defendants had actual, subjective awareness of the risks involved in the above-described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of the deceased and others. Therefore, for such gross negligence on the part of Defendants, Plaintiffs sue for exemplary damages in an amount to be determined at trial.

### **Respondeat Superior**

62. At all relevant times, Kay and Mead were working within the course and scope of his employment with the Angels and the Angels are liable pursuant to respondeat superior and pursuant to the laws of agency for its agents' wrongful acts, omissions, carelessness and neglect, and for the damages sustained by Plaintiffs.

### **VII. INJURIES AND DAMAGES**

63. Debbie Hetman and Darrell Skaggs as the parents of Tyler Skaggs are wrongful death beneficiaries and seeks all available damages recoverable by law resulting from the death of Tyler Skaggs. These damages include past and future pecuniary loss, past and future loss of companionship and society, and past and future mental anguish.

### **VIII. JURY DEMAND**

64. Plaintiffs formally make this demand and application for a jury trial in this lawsuit.

**IX. PRAYER**

65. WHEREFORE, PREMISES CONSIDERED, Debbie Hetman and Darrell Skaggs pray Defendants be cited to appear and answer herein, and that upon final trial, Debbie Hetman and Darrell Skaggs recover from Defendants both actual and exemplary damages, as set forth above, and costs of court, pre-judgment and post-judgment interest, and expenses, punitive damages, and such other and further relief to which they may show themselves justly entitled.

Respectfully submitted,

**RUSTY HARDIN & ASSOCIATES, LLP**

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