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Marilyn Burgess - District Clerk Harris County
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By: Yasmin Creag
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CAUSE NO. _____

THE STATE OF TEXAS and HARRIS COUNTY, TEXAS	§	**IN THE DISTRICT COURT**
Plaintiffs,	§	
v.	§	**HARRIS COUNTY, TEXAS**
DIEN VAN CHE, NICK XUAN NGUYEN, AND THE REAL PROPERTY KNOWN AS 4220 KIRKWOOD ROAD, HOUSTON, TEXAS 77072, IN REM	§	
Defendants.	§	**____JUDICIAL DISTRICT**

PLAINTIFFS' ORIGINAL PETITION AND APPLICATION FOR A TEMPORARY AND PERMANENT INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs, The State of Texas and Harris County, Texas ("Plaintiffs"), by and through Harris County Attorney Abbie Kamin, file this lawsuit against Dien Van Che, Nick Xuan Nguyen and the Real Property incorporating and identified as 4220 Kirkwood Road, Houston, Texas 77072 ("Property"), in Rem ("Defendants") to abate a common nuisance pursuant to Chapter 125 of the Texas Civil Practice Remedies Code and to enforce the Harris County Game Room Regulations[1] (the "Regulations"). Defendants own, operate, maintain, or assist in maintaining a common nuisance through the operation of an unlicensed game room ("Game Room") on the premises located at 4220 Kirkwood Road, Houston, Texas 77072. In support thereof, Plaintiffs would show the following:

[1] The Harris County Game Room Regulations are hereby incorporated by reference and attached to this Petition as Exhibit 1.

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I. DISCOVERY CONTROL PLAN

1. Plaintiffs intend to conduct discovery under Level 2 Discovery Plan of Texas Rule of Civil Procedure 190.3. Plaintiffs affirmatively plead this case is not governed by the expedited actions process in Texas Rule of Civil Procedure 169 because the relief sought by the Plaintiffs includes non-monetary injunctive relief. *See* Tex. R. Civ. P. 169(c)(1)(B).

II. PARTIES

2. Plaintiff, the State of Texas, by and through the Harris County Attorney, Abbie Kamin, brings this action under Section 125.002 of the Texas Civil Practices and Remedies Code.

3. Plaintiff, Harris County, Texas, appearing and proceeding by and through the Harris County Attorney, Abbie Kamin. The Harris County Attorney's Office brings this action under Section 234.137 of the Texas Local Government Code; Chapter 125 of the Texas Civil Practice Remedies Code; and the Harris County Game Room Regulations.

4. Defendant, Dien Van Che, an individual, ("Che" or "Owner") is the owner of the Property. Dien Van Che may be served at 22830 Roberts Run Lane, Katy, Texas 77494; or wherever he may be found.

5. Defendant, Nick Xuan Nguyen, a, individual ("Nguyen" or "Tenant"), is the tenant of the Property that housed the Gane Room. Nick Xuan Nguyen may be served at 5618 Painted Trail Drive, Houston, Texas 77084; or wherever he may be found.

6. Defendant, the Real Property known as 4220 Kirkwood Road, Houston, Texas 77072 ("Property"), is sued in Rem under Tex. Civ. Prac. & Rem. Code Ann. § 125.002 and can be served through its owner Dien Van Che, at 22830 Roberts Run Lane, Katy, Texas 77494 or wherever he may be found.

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III. JURISDICTION AND STATUTORY AUTHORITY

7. This Court has subject matter and personal jurisdiction over the cause and the parties.[2] This Court has subject matter jurisdiction pursuant to Section 234.137 of the Texas Local Government Code. This Court has personal jurisdiction over each Defendant because the alleged actions which give rise to this suit all occurred in Harris County, Texas.

8. Harris County Attorney Abbie Kamin brings this enforcement action through the Harris County Attorney's Office in the name of the State of Texas to enjoin and abate a common nuisance pursuant to Sections 125.001-125.047 of the Texas Civil Practice and Remedies Code and to enforce the Harris County Game Room Regulations. The State need not show verification of the Petition or proof of personal injury.[3]

IV. VENUE

9. Venue is proper pursuant to Section 234.133 of the Texas Local Government Code and under Section 125.002(a) of the Texas Civil Practices and Remedies Code. The Property is located in Harris County, Texas. Further, the underlying events occurred in Harris County, Texas.

V. FACTUAL BACKGROUND

10. Defendant Dien Van Che, is the owner of the Property. As owner of the Property Defendant, LSM is directly responsible for the control of the Property.

11. Defendant Nick Xuan Nguyen, is the Tenant or Lessee of the Game Room. Defendant Nguyen executed the Lease Agreement with the Defendant Che on January 26, 2022. The term of the lease was 60 months. Tenant was in operational management and control of the

[2] Tex. Civ. Prac. & Rem. Code Ann. § 125.002(a).
[3] Tex.Civ. Practice &Rem. Code Ann. §125.002(a)

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Game Room located on the Property. The Lease Agreement for the Game Room was signed by both Che as "Landlord" and Nguyen as "Tenant."

12. By virtue of their respective ownership; managerial and operational agency; and leasehold estate of the Property, Defendants, Che and Nguyen were therefore owners, operators and managers of the illegal game room located at 4220 Kirkwood Road, Houston, Texas 77072. Each of the Defendants were direct benefactors of the presence, operation, maintenance and management of the Game Room.

13. The Game Room has been operable with individuals playing on illegal and unpermitted gaming devices and receiving illegal payouts. Law enforcement officials have dedicated public resources to monitor the Game Room and prevent illegal activity. The Game Room has been the subject of investigation, including undercover operations and a search warrant. The Property serves as a location for habitual illegal gambling. The illegal gambling operation involves the use of amusement redemption machines ("ARMS").[4]

14. The Houston Police Department (HPD) has conducted several investigations at this location regarding illegal gambling.

15. HPD conducted one such investigation at the Game Room in August of 2026. During its investigation and surveillance operations, HPD Officers observed multiple amusement redemption machines and received payouts of more than 10 times the initial betting amount in violations of the Regulations.[5]

[4] "Amusement Redemption Machine" means any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with non-cash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once, or $5, whichever amount is less." Section 1.4(b) of the Harris County Game Room Regulations.

[5] Id.

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16. As part of the August 2026 investigation, a search warrant was executed at the Game Room on August 20, 2026. HPD found not less than seventy-six (76) video gambling devices, and issued citations associated with the illegal operation of the Game Room.

17. The Property has been subject to previous investigations into illegal gambling activity. On March 14, 2024, an HPD investigation revealed at least 40 ARMS on the Property. On November 13, 2024, another HPD investigation revealed 66 ARMS on the Property. On both occasions, Dien Van Che was found to be the owner of the Property, and as the above-mentioned lease indicates, Nick Xuan Nguyen was the tenant of the Property.

VI. CAUSES OF ACTION AND CIVIL PENALTIES

A. Chapter 125 of the Texas Civil Practice and Remedies Code.

18. Plaintiffs incorporate and adopt by reference the allegations contained in every preceding paragraph of this Petition.

19. The Texas Civil Practice and Remedies Code states that "[a] person who maintains a property to which persons habitually go for [certain] purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance." [6] Gambling, gambling promotion, or communication gambling of information in violation of the Penal Code give rise to a Chapter 125 nuisance.[7]

20. Proof of frequent activity described by Section 125.0015 at the place involved is prima facie evidence that the Defendants knowingly tolerated the activity.[8] Evidence of arrests or

[6] Tex. Civ. Prac. & Rem. Code Ann. § 125.0015 (a)
[7] Tex. Civ. Prac. & Rem. Code Ann. § 125.0015 (b)
[8] Tex. Civ. Prac. & Rem. Code Ann. § 125.004 (a)

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convictions of any activity described by Section 125.0015 in the place involved is admissible to show knowledge on the Defendant's part regarding the act that occurred.[9]

21. As stated above, Defendants own or use the Property to operate or assist in operating or maintaining an unlicensed Game Room frequently and consistently engaged in illegal gambling. Multiple investigations have uncovered the presence of illegal gambling and payouts. As evidenced by repetitive violations, Defendants knowingly tolerate nuisance activity and habitually allow such activity to occur on the Property. Defendants have failed to promptly notify the appropriate law enforcement agency of the occurrence of such criminal acts at the unlicensed Game Room and to cooperate with law enforcement investigations of criminal acts at the unlicensed Game Room. Accordingly, the general reputation of the unlicensed Game Room will also show the existence of this common nuisance.[10]

B. Game Room Regulations Violations

22. Plaintiffs incorporate and adopt by reference the allegations contained in every preceding paragraph of this Petition.

23. Defendants have owned and/or operated Game Rooms in violation of Texas Local Government Code Section 234.133.

24. Specifically, Defendants have committed multiple violations of the Regulations through their ownership of the Property and/or ownership and operation of the unlicensed Game Room, including but not limited to the following documented violations:

- **Subsection 2.1(a)**: The Game Room was operating without a valid permit issued pursuant to the Regulations (1 violation);
- **Subsection 3.2(b)**: The Game Room was operating without Game Room signs visible and posted with front and rear views (1 violation);

[9] Tex. Civ. Prac. &Rem. Code Ann. § 125.0015 (b)
[10] Tex. Civ. Prac. & Rem. Code Ann. § 125.0015 (c)

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- **Subsection 3.3(b)**: The Game Room did not provide readily accessible doors (1 violations);

- **Subsection 3.3(d)**: The Game Room did not have a valid certificate of occupancy (1 violation);

- **Subsection 3.3 (e):** The Game Room failed to have electronic locks in use during business hours (1 violation);

- **Subsection 3.4(b)**: The Game Room failed to have clear and unobstructed view of all machines through at least two windows (1 violation);

- **Subsection 3.4(d)**: The Game Room did not provide transparent uncovered glass in each exterior window or door (1 violation);

- **Subsection 3.4(e):** The Game Room was operating without transparent and uncovered windows (1 violation);

- **Subsection 3.6(b)**: The Game Room did not post a valid permit issued to it pursuant to the Regulations (1 violation);

- **Subsection 3.7(b)(1)**: The Game Room did not maintain onsite proper employee records (1 violation);

- **Subsection 3.7(b)(2) and 3.7(c)**: The Game Room did not maintain onsite a proper daily register for ninety (90) days (2 violations);

- **Subsection 3.7(b)(3)**: The Game Room failed to maintain onsite proper machine records (1 violation);

- **Subsection 3.10**: The Game Room failed to require memberships for any purpose;

- **Subsection 3.11(b)**: The Game Room was operating without maintaining a valid State of Texas and Harris County occupational tax stamp affixed to each machine (15 ARMS) (30 violations); and

- **Subsection 3.12**: The Game Room had in its possession not less than seventy-six (76) illegal machines in violation of Chapter 47 of the Texas Penal Code (76 violations).

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VII. CIVIL PENALTIES

25. Plaintiffs incorporate and adopt by reference the allegations contained in every preceding paragraph of this Petition. [11]

26. Under Chapter 234 of the Local Government Code, Defendants are subject to civil penalties not to exceed $10,000 per violation for operating an illegal and unpermitted Game Room.

VIII. REQUEST FOR A TEMPORARY INJUNCTION

27. Plaintiffs incorporate and adopt by reference the allegations contained in every preceding paragraph.

28. Defendants have failed or refused to abate the common nuisance. Defendants will likely continue to maintain the Property as a common nuisance and operate in violation of the Regulations unless refrained by an injunctive order of the Court.

29. Unless Defendants are enjoined from maintaining the Property as a common nuisance and cease operation of the unlicensed game room, the citizens of Harris County, Texas will suffer irreparable harm. Plaintiffs are likely to succeed on the merits of this suit and have no other adequate remedy at law to prevent the continued nuisance and violations.

30. The Court may include in its order reasonable requirements to prevent the use or maintenance of the property as a nuisance.

31. In accordance with Section 125.045(a) of Texas Civil Practice and Remedies Code, the Court shall require that Defendants execute a bond upon entry of the Temporary Injunction. The bond must 1) be payable to the STATE OF TEXAS at Harris County; 2) be in the amount set by the court, but not less than $5,000.00 nor more than $10,000.00; 3) have sufficient sureties

[11] Tex. Local Gov't. Code Ann. Chapter §234.137 (b)

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approved by the Court; and 4) be conditioned that the Defendants will not knowingly allow a common nuisance to exist at that property.

IX. REQUEST FOR A PERMANENT INJUNCTION

32. Plaintiffs incorporate and adopt by reference the allegations contained in every preceding paragraph.

33. The consequences of the above-described unlawful activities at the Property, as well as the foreseeable resulting criminal activity associated with these acts, would proximately cause a person of ordinary sensibilities to be substantially frightened, discomforted, annoyed, and inconvenienced in the use of any premises surrounding the Property.

34. Because the State of Texas brings this action in Rem, the judgment shall be a judgment *in Rem* against the Property and the Defendants.

35. Based on the foregoing, the State of Texas requests that the Property be permanently enjoined from being operated and maintained as an illegal Game Room.

X. RULE 47 CLAIM FOR RELIEF

36. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs seek monetary relief of more than $1,000,000.

XI. JURY DEMAND

37. Plaintiffs demand a jury trial.

XII. ATTORNEY'S FEES

38. Plaintiffs require the services of Harris County Attorney Abbie Kamin's Office to litigate this lawsuit. Plaintiffs request that the Defendants be adjudged liable for the Harris County

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Attorney's reasonable attorney's fees, investigative costs, court costs, and any other reasonable expenses incurred in bringing this lawsuit.[12]

XIII. PRAYER

39. For these reasons, Plaintiffs request that the Court: (1) issue citation for Defendants to appear and answer; (2) grant Plaintiffs' request for a temporary injunctive relief following a hearing; (3) grant Plaintiffs' request for a permanent injunction; and (4) award a judgment against Defendants jointly and severally for the following:

a. Civil penalties in the amount of $10,000 per violation of the Regulations;
b. Court costs;
c. Costs of suit;
d. Costs of investigation;
e. Reasonable attorney's fees; and
f. All other relief, at law or in equity, to which Plaintiffs are justly entitled.

Date: November 16, 2026

Respectfully submitted,

ABBIE KAMIN
Harris County Attorney

NEAL SAKAR
First Assistant County Attorney

SARAH J. UTLEY
Managing Counsel,
Affirmative and Special Litigation and Environmental

CHRISTOPHER GARZA
Division Director,
Affirmative & Special Litigation

[12] *See* Tex. Civ. Prac. & Rem. Code § 125.005 (authorizing attorney's fees and costs).

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/s/ Brian J. Hrach
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ATTORNEYS FOR PLAINTIFFS

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I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this November 18, 2026

Certified Document Number: 129855183 Total Pages: 11

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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