

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

RETROLED COMPONENTS, LLC,
Plaintiff,

v.

PRINCIPAL LIGHTING GROUP, LLC
Defendant.

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Civil Case No. 6:18-cv-55-ADA

JURY TRIAL DEMANDED

EXHIBITS TO
RETROLED'S RESPONSIVE
CLAIM CONSTRUCTION BRIEF

EXHIBIT II

Keith L. Alexander and Lynh Bui,
A Child Touched an Electrified Railing at MGM
National Harbor Resort, and Lives Changed,
Wash. Post, July 8, 2019, available at
<https://wapo.st/2GioGQa>
(last accessed July 17, 2019).)

Public Safety

A child touched an electrified railing at MGM National Harbor resort, and lives changed

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By [Keith L. Alexander](#) and

[Lynh Bui](#)

July 8

Carlos Green reaches into his pocket by habit to pull out his cellphone as his eyes glisten with tears.

"I just want her to talk to me, man," Green says, shaking his head at the memory of the calls to him after school, after a playdate or after shopping.

Nearby, his once-lively 7-year-old daughter, Zynae Green, sits in her black wheelchair with a slight grin and widening gaze as "Frozen" — one of the films that now fill her day — pops up on the television. A throat tube helps her breathe, a stomach tube helps feed her, and she communicates in smiles, blinks and frowns.

"I cry about that right now," Green says. "She called my phone about everything. 'Dad, Dad, Dad.' That's just what I want to hear. I just want to hear my baby's voice. "

It has been a year since Zynae could talk, her voice silenced after she breezily grasped a lighted handrail on a warm June evening on a plaza at the MGM National Harbor resort. The handrail carried 120 volts, 10 times what the lighting should have, engineering investigators later concluded, citing problems in the wiring, installation and rail anchoring.

Zynae went into cardiac arrest, was resuscitated and suffered a traumatic brain injury.

Her little brother, C.J. — Carlos Jr. — also touched the railing that night as the children played. The then-5-year-old boy was knocked out but not debilitated.

He endures recurring nightmares, his parents say, and can clearly see his sister has changed without fully understanding why.

At pharmacies, while his parents are picking up Zynae's prescriptions, C.J. has spotted drawings of a brain on a medication box and carried it to a counter to ask if maybe *this* could help Zynae, says the children's mother, Rydricka Rosier.

"I love her," C.J. says simply as his family for the first time speaks publicly about their upended life. And like his dad, he longs for her voice.

He often wonders, his parents say, if maybe Zynae won't talk or play with him because he did something wrong, and with a child's reasoning, he leans into her wheelchair with his worry:

"Are you mad at me?"

'Cut it. Cut the switch.'

The ring of Zynae's laughter has been replaced in the house by the loud, raw sound of the machine that her parents and nurses use to regularly suction and clear her mouth to avoid choking.

Zynae spends much of her time in the living room of the home her family rented outside Baltimore to be closer to Johns Hopkins

Hospital.

On a recent afternoon, she was decked out in purple, from her polished fingernails to her "Grl Pwr" T-shirt and shorts, watching animated movies that play on a near constant loop.

"We went from Zynae smiling, running off the bus, giving hugs, talking and smiling. And now, in a wheelchair," Rosier, 34, says.

"That day changed my baby's whole life."

The day was June 26, 2018.

Green had gotten off his job at the D.C. water treatment plant, where he has worked for 12 years and is now a supervisor. The 36-year-old Green, as he often did after work, stopped by the casino to play poker and wait for his family. After dark, the children liked to visit [the resort complex](#) so they could see the Ferris wheel, fountain and other outdoor sites lit up in bright colors.

The evening was meant to be a celebration of sorts.

Days earlier, Zynae had graduated from kindergarten at Barstow Elementary in Prince Frederick, Md., where the family lived. Zynae, who loved math and reading, cheerleading and T-ball, was preparing to be tested to determine whether she could go directly to the second grade in the fall, her mother says.

It was after 10 p.m. when Rosier arrived at the MGM complex with her mother and her and Green's children: Monya, then 16, Zynae, then 6, and C.J., then 5. The couple have been together for 19 years.

Rosier went into the casino and met Green. He gave her two \$20 bills for Zynae and C.J. to shop in a nearby gift store.

But when Rosier, her mother and the children walked to the store, it was closed. So they headed around the corner to the terrace to watch the fountain overlooking the Potomac River, Rosier recalls.

She rummaged in her purse for loose change that C.J. and Zynae could toss in. That's when C.J. scampered off, grabbing a lighted handrail that led to the fountain area.

Over the next few minutes, as his mother remembers, Rosier noticed C.J.'s head resting on the rail. "Boy, lift your head up," she told him. But, she says, "he never said anything. He didn't move."

By then, Zynae had joined her brother, also clasping the handrail. Instead of laughing and chatting as the two children normally did, they were quiet. "Neither of them were saying anything," Rosier recalls.

Their older sister noticed C.J.'s eyes slightly closing and rolling back in his head, his mother recalls, before Monya yelled, "Mom, something's wrong with C.J."

Rosier pulled C.J. off the handrail and he collapsed in her arms. Monya then pulled Zynae off the rail. Zynae was struggling to breathe, her mother says.

Rosier screamed. "Help me, somebody help me. My baby, somebody help," she recalls. Two women ran over.

Rosier called Green in the casino.

"C.J. passed out. He's unconscious," Rosier screamed into the phone, both parents remember.

Green bolted from the poker table, he says, and sprinted through the casino toward the terrace, where, as he grew closer, he heard a crying child.

It was C.J.

He had regained consciousness and was standing next to Rosier as she tried to comfort him.

Then, Green says, he saw Zynae on the ground, Rosier and Monya sobbing, and security guards near them. He says he could hear Rosier pleading: "Come on Zy, breathe. Breathe for Mommy."

The panicked call from Rosier had said it was C.J. who had been hurt. But it was Zynae, his "princess" as Green calls her, lying on her back.

"I kept saying, 'Breathe, baby. Please breathe, baby. Come on, breathe,'" Green remembers. Sitting at a dining room table, recalling that scene, his voice cracks and tears begin to roll down his face.

Green says that he repeatedly yelled for security guards to perform CPR on his daughter but that it wasn't until two Prince George's County police officers arrived that one of them started the resuscitation.

MGM officials said in an interview that the guards followed protocol responding to the incident and determined that Zynae was breathing and did not need CPR.

"I kept thinking, 'This is just temporary. God is going to pull her through. She's going to wake up,' " Green says.

A security guard who was nearby touched the railing [as he tried to help Zynae](#) and was slightly injured. Green says he, too, started to reach for it until he heard a guard yell not to touch it and another guard shouted, "Cut it. Cut the switch."

It was then, Green recalls, that he realized Zynae had received an electric shock.

According to an engineering study done for the county after the incident, a faulty installation of a device meant to control the electrical flow to the rail lighting left the handrail charged with 120 volts, 10 times the 12 volts intended for the lighting.

Prince George's records show an ambulance was dispatched just before midnight from MGM carrying Zynae and a security guard to United Medical Center in Southeast Washington, about 3½ miles from MGM. The security guard who was also shocked was admitted with minor injuries.

When Green and Rosier reached the hospital, Rosier remembers screaming, "Where's my baby? Somebody tell me where's my daughter."

At one point in the hospital, the couple say, the same officer who started CPR earlier urged them to briefly take their eyes off the harrowing scene around them. "He came out of nowhere and just reminded us to stop and pray," Green says.

As they waited, the couple finally heard loud applause coming from the area where Zynae had been taken, they remember, as the

medical team regained her pulse. She was then flown to Children's National.

C.J. was hospitalized for a few days with relatively minor injuries.

Zynae spent about three months in the hospital, followed by a little more than four months in a rehabilitation center.

She returned home at the end of January.

The new routines

Rosier once worked three jobs back-to-back, she says, to help make ends meet: as a school bus attendant, at a T.J. Maxx and as a custodian at the school Zynae and C.J. attended.

After Zynae was injured, the couple agreed Rosier should stay home to take care of their daughter between the shifts of health-care workers.

A registered nurse comes to the house and tends to Zynae from 9 a.m. to 6 p.m.

Rosier takes the duties from 6 p.m. to 10 p.m. — checking and clearing Zynae's breathing and feeding tubes, changing bandages, and monitoring her blood pressure.

Another nurse comes in from 10 p.m. to 7 a.m.

Finding the right team of caregivers has not been easy, the couple say, and they went through five different nurses to find those best able to care for Zynae.

As the medical bills mounted, Green says, he took out personal loans and borrowed against his retirement plan to pay the costs

"It's difficult," he says. "We make do with what we can. We're just trying to stay positive," for their children. "It's hard."

As he talks about the struggles, Green's mood shifts and his voice intensifies, and he asserts that no one from MGM has reached out to him or his family. "You know, they ain't say nothing to us. Nothing," he says.

MGM officials said they tried to contact Zynae's family. "MGM repeatedly reached out to the family from the moment the incident happened. We were told they did not want to have contact with representatives from MGM. Once they retained counsel, we were asked to only communicate through their attorney," MGM spokeswoman Debra DeShong said.

A lawsuit is working its way through court.

Green and Rosier contacted Benedict Morelli, a New York-based personal injury attorney who represented actor and comedian Tracy Morgan. In 2014, Morgan was severely injured when the limousine-bus carrying him and two others was struck by the driver of a Walmart tractor trailer on the New Jersey turnpike. A colleague of Morgan's, James McNair, who was one of the passengers, was killed. A year later, Walmart [settled with Morgan](#) for an undisclosed sum.

In November, Zynae's family sued MGM, Rosendin Electric and Whiting-Turner. Rosendin was an electrical contractor on the project, and Whiting-Turner acted as the general contractor.

"This is tragic and never should have happened. This family, no family, deserves something like this to happen," Morelli said.

In separate court filings, the three co-defendants deny negligence and liability, blaming one another or circumstances out of their

“Rosendin Electric has cooperated with the investigation since the beginning and continue to pray for Zynae’s recovery,” the company said in a statement.

Attorneys for Whiting-Turner did not respond to requests for comment.

A trial is scheduled for February. Meanwhile, the county, [with help from the FBI](#), is conducting its own investigation into the event.

Morelli contends that MGM is delaying the case to stall a payout for Zynae’s ongoing care.

MGM’s DeShong denied Morelli’s allegations and said discussions were “ongoing.” She said MGM hopes to reach a resolution, adding that “a day does not go by that we don’t think of the Green family and Zynae. We hope that she improves and her condition improves.”

A reshaped future

Zynae, Green says, wanted her parents to marry so she could be the flower girl.

After so many years as a couple, Green and Rosier say they are planning to wed next year.

Green says Zynae’s accident was a “wake-up call” to “begin living the way God would want.”

“We have three beautiful children together. We just want to make everything right in the eyes of God,” he says. And Zynae will be their flower girl.

C.J. harbors dreams, too, for his big sister, proudly showing off his bank and the \$200 he has saved, he says, to help take Zynae to

Disney World.

And in the living room, with the wheelchair and rounds of animated movies, Rosier holds her hopes close as she talks to her now-silent daughter.

"How are you feeling, Zy? You feeling good today?" she asks Zynae.

"Blink three times for Mommy to let me know you're feeling good."

Rosier waits. Zynae blinks once. Twice. And then a third time.

"That's my baby," Rosier says.

Keith L. Alexander

Keith L. Alexander covers crime and courts, specifically D.C. Superior Court cases, for The Washington Post. Alexander was part of the Pulitzer Prize-winning team that investigated fatal police shootings across the nation in 2015. He joined The Post in 2001. He previously worked as a reporter for USA Today, BusinessWeek and The Dayton Daily News. [Follow](#) 

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