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Plaintiff Roberto Rodriguez, Jr. is the natural father of Larissa Rodriguez and resides in Hidalgo County, Texas.

Decedent refers to Larissa Rodriguez, who passed away at the age of seventeen.

Defendant Glazer's Beer and Beverage, LLC ("**Glazer's**") is a domestic limited liability company doing business in the State of Texas. On information and belief, Glazer's distributed and supplied Alani Nu Energy Drinks to retail locations, including H-E-B stores in Hidalgo County, Texas. Glazer's operates a Rio Grande Valley distribution facility located at 3311 Development Drive, Weslaco, Texas 78599, and serves Hidalgo County and nearby counties. Glazer's may be served through its registered agent, Corporation Service Company d/b/a CSC – Lawyers Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

Defendant Glazer's Beer and Beverage of Texas, LLC ("**Glazer's Texas**") is a domestic limited liability company doing business in the State of Texas. Glazer's Texas may be served through its registered agent, Corporation Service Company d/b/a CSC – Lawyers Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

Plaintiffs specifically invoke the right to institute this suit against whatever entities were conducting business using the assumed or common names of "Glazer's" or "Glazer's Texas" with regard to the events described in this Petition. Plaintiffs expressly invoke their right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of this party substituted at a later time on a motion by any party or on the Court's own motion.

**VENUE AND JURISDICTION**

This is a wrongful death action maintained under the Texas Wrongful Death statute and Texas common law. The amount in controversy is within the jurisdictional limits of this Court.

Venue is proper in Hidalgo County, Texas pursuant to § 15.002(a)(1) of the Texas Civil

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Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this claim occurred in Hidalgo County, Texas. Specifically, the Alani Nu Energy Drink at issue was purchased and consumed in Hidalgo County, and Decedent Larissa Rodriguez passed away in Hidalgo County.

Plaintiffs' claims raise no federal question, nor do Plaintiffs seek relief under a federal law, statute, regulation, treaty, or the United States Constitution. Further, this lawsuit cannot be removed because there is not complete diversity among the parties, as the Glazer's Defendants and Plaintiffs are Texas residents. Therefore, there is incomplete diversity of parties and removal would be improper.

**MISNOMER/ALTER EGO**

In the event any parties are misnamed or are not included herein, it is Plaintiffs' contention that such was a "misidentification", "misnomer," and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiffs contend that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

**BACKGROUND FACTS**

**A. LARISSA RODRIGUEZ**

Larissa Rodriguez was a seventeen-year-old resident of Hidalgo County, Texas, at the time of her death. She had her entire life ahead of her, which was tragically cut short.

On or about October 20, 2025, and the days leading up to it, Larissa Rodriguez purchased and consumed one or more Alani Nu Energy Drinks from an H-E-B retail location in Hidalgo County, Texas. The Alani Nu Energy Drinks consumed by Larissa Rodriguez were distributed and supplied to the H-E-B retail location by Defendants Glazer's Beer and Beverage, LLC and/or Glazer's Beer and Beverage of Texas, LLC.

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Following her consumption of Alani Nu Energy Drinks, Larissa Rodriguez suffered a fatal cardiac event. The Hidalgo County Medical Examiner determined that Larissa Rodriguez's cause of death was cardiomyopathy caused by excessive caffeine consumption. At the time of her death, Larissa Rodriguez was seventeen years old—a minor for whom the American Academy of Pediatrics, the American Medical Association, and the American College of Sports Medicine have all unequivocally stated that energy drinks have no place in the diet of children and adolescents.

**B. ALANI NU ENERGY DRINKS AND THEIR DANGERS**

Alani Nu Energy Drink is a canned energy beverage containing 200 milligrams of caffeine per 12-fluid-ounce can, which is approximately equivalent to 16.67 milligrams per fluid ounce. This caffeine concentration is significantly higher than most soft drinks and many competing energy drinks on a per-ounce basis. The American Academy of Pediatrics recommends that children between the ages of 12 and 17 consume no more than 100 milligrams of caffeine per day.<sup>1</sup> A single can of Alani Nu contains twice that recommended maximum. Critically, it does not warn against excessive caffeine consumption.

In addition to caffeine, Alani Nu Energy Drinks contain an undisclosed quantity of taurine, an amino acid that has been shown to amplify the stimulatory effects of caffeine and that has been linked to altered neural functioning, lowered serotonin and dopamine levels, and cardiovascular effects.<sup>2</sup> The specific amount of taurine in each can of Alani Nu is not disclosed on the product label.

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<sup>1</sup> Johns Hopkins Medicine, *Energy Drinks and Kids: What You Need to Know*, <https://www.hopkinsmedicine.org/health/wellness-and-prevention/energy-drinks-and-kids> (last visited Mar. 23, 2026).

<sup>2</sup> Christine Perdan Curran & Cecile A. Marczinski, *Taurine, Caffeine, and Energy Drinks: Reviewing the Risks to the Adolescent Brain*, 109 *Birth Defects Res.* 1640 (2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5737830/> (last visited Mar. 23, 2026).

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***Alani Nu Nutritional Facts Label***

As the label shows, Alani Nu also contains L-theanine, guarana seed extract (which itself contains additional caffeine beyond the 200 milligrams listed on the label), Panax ginseng root extract, glucuronolactone, and inositol. The combined quantities of these stimulant and neuroactive compounds are hidden within a vaguely described “Energy Blend” that does not *specify* individual amounts, preventing consumers from making informed decisions about their intake.

A study published in the Journal of the American Heart Association found that energy drink consumption—particularly beverages combining caffeine with ingredients such as taurine and guarana—caused abnormal heart rhythms and prolonged elevated blood pressure in ways distinct

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from caffeine consumption alone.<sup>3</sup> The synergistic and compounding effects of these ingredients in Alani Nu are neither adequately studied nor adequately disclosed.

The U.S. Food and Drug Administration (“FDA”) recommends that healthy adults consume no more than 400 milligrams of caffeine per day, but the FDA has not established a safe level for children and has stated that caffeine can pose heightened risks to minors. Despite containing 200 milligrams of caffeine per can, Alani Nu Energy Drinks include no maximum daily consumption limit on the label, no warning that consumption of multiple cans may be dangerous, and no prominent or conspicuous warning that the product is not intended for minors or that consumption by children may cause serious injury or death.

**C. DEFECTIVE MARKETING AND FAILURE TO WARN**

Alani Nu is marketed as a “better-for-you” wellness and lifestyle beverage. The brand was founded by fitness influencer Katy Hearn and markets itself heavily to young women, including minors, through social media platforms such as Instagram and TikTok. The branding emphasizes health, beauty, and an active lifestyle, using taglines that reference “natural glow,” “B vitamins,” and “zero sugar.” The pastel-colored cans, candy-inspired flavors (such as “Cosmic Stardust,” “Cherry Slush,” “Hawaiian Shaved Ice,” and “Rocket Pop”), and wellness-focused aesthetic deliberately blur the line between a dangerous caffeinated stimulant and a harmless lifestyle accessory.

Alani Nu’s marketing is particularly deceptive because it positions the product as part of a healthy, active lifestyle while concealing the substantial cardiac and neurological risks associated with its concentrated caffeine and stimulant ingredients. The product is sold alongside non-

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<sup>3</sup> Lexington Clinic, *How Energy Drinks Impact Your Heart Rate — Why Knowing Your Number Matters*, <https://lexingtonclinic.com/how-energy-drinks-impact-your-heart-rate-why-knowing-your-number-matters> (last visited Mar. 23, 2026).

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caffeinated and lower-caffeine beverages in grocery stores, convenience stores, and major retailers such as H-E-B, Walmart, Target, and 7-Eleven, without any meaningful point-of-sale differentiation or age-restriction signage.

The only cautionary language on the can—“Not recommended for children under 18, those sensitive to caffeine, pregnant or nursing women”—is printed in small, inconspicuous text that is easily overlooked and wholly inadequate to warn consumers of the serious risks of cardiac injury and death.



The warning does not state a maximum daily consumption limit. The warning does not disclose the combined stimulant effects of taurine, guarana, ginseng, and caffeine acting together.

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The warning does not alert consumers that consumption can cause cardiomyopathy, cardiac arrhythmia, cardiac arrest, or death.

The inadequacy of Alani Nu’s warnings has drawn regulatory attention internationally. In August 2023, the Canadian Food Inspection Agency (“CFIA”) issued a safety warning for Alani Nu Energy Drinks due to non-compliant caffeine content and labeling, and advised Canadians not to drink, sell, or distribute the product. Canadian regulations require energy drinks to carry prominent warnings stating the beverages are *not recommended for those under 14 years old, pregnant or breastfeeding women, or individuals sensitive to caffeine*, and limit caffeine content in energy drinks. No equivalent regulation exists in the United States, and Alani Nu has exploited this regulatory gap.

The energy drink industry’s failures to warn have been the subject of extensive litigation. Most notably, Panera Bread faced wrongful death lawsuits over its “Charged Lemonade” beverages, which contained high levels of caffeine and guarana extract similar to Alani Nu. Those lawsuits alleged that the beverages were not adequately labeled as energy drinks, were placed alongside non-caffeinated beverages without adequate warnings, and caused fatal cardiac events in consumers with and *without* pre-existing conditions. Panera discontinued the product in May 2024.

**D. THE CHAIN OF DISTRIBUTION**

Alani Nutrition LLC, operating through Congo Brands LLC, designed, formulated, manufactured, and marketed the Alani Nu Energy Drink at issue. On information and belief, Alani Nu Energy Drinks are manufactured pursuant to a contract manufacturing arrangement and distributed to retailers through a distribution network that includes, among others, Defendants Glazer’s Beer and Beverage, LLC and Glazer’s Beer and Beverage of Texas, LLC.

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Defendants Glazer's Beer and Beverage, LLC and Glazer's Beer and Beverage of Texas, LLC received, stored, and distributed the Alani Nu Energy Drink to H-E-B retail locations in Hidalgo County, Texas, from their Rio Grande Valley distribution facility in Weslaco, Texas.

The Alani Nu Energy Drink consumed by Decedent Larissa Rodriguez was in the same or substantially similar condition as when it left the possession and control of Defendants.

Neither Plaintiffs nor their Decedent misused or materially altered the Alani Nu Energy Drink. Larissa Rodriguez consumed the Alani Nu Energy Drink in a reasonably foreseeable manner.

**CAUSES OF ACTION**

**A. STRICT LIABILITY – MANUFACTURING & DESIGN DEFECT**

Plaintiffs incorporate all paragraphs above herein by reference.

At all relevant times, Defendants knew or should have known of the foreseeable risk of cardiac-related injuries, including cardiomyopathy, cardiac arrhythmia, and sudden cardiac death, inherent in the design and formulation of Alani Nu Energy Drinks, particularly as consumed by minors and young adults.

At the time Defendants designed, formulated, manufactured, marketed, sold, promoted, and/or distributed the Alani Nu Energy Drink, it was defective in its design, unreasonably dangerous, and unsafe for its intended purpose because it did not provide adequate protection and/or warning against the foreseeable risk of cardiac-related injuries and death. The Alani Nu Energy Drink was defective in design in one or more of the following respects:

- a. the Alani Nu Energy Drink was designed and formulated such that it contains 200 milligrams of caffeine per 12-ounce can, an amount twice the maximum daily recommended intake for adolescents, along with undisclosed quantities of taurine, guarana extract, and other stimulants whose synergistic effects compound the cardiac risks of the product;

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- b. The Alani Nu Energy Drink was designed and formulated such that it could cause cardiomyopathy, cardiac arrhythmia, cardiac arrest, and death in consumers, especially children, adolescents, and caffeine-sensitive individuals;
- c. The Alani Nu Energy Drink marketing, labeling, and packaging misrepresented the beverage as a healthful wellness product when it is a concentrated stimulant with serious cardiac risks;
- d. Defendants failed to disclose individual quantities of taurine, L-theanine, guarana seed extract, and other stimulant ingredients, instead concealing them within an undifferentiated “Energy Blend;”
- e. Defendants failed to include a maximum daily consumption limit on the product label;
- f. Defendants designed, formulated, and sold a product that was unreasonably dangerous to consumers, particularly minors;
- g. Defendants designed and sold a product which could have been formulated and designed more safely, including by reducing caffeine content, disclosing all ingredient amounts, and including conspicuous warnings regarding cardiac risks and age restrictions;
- h. Defendants failed to conduct adequate pre-market testing of the combined stimulant effects of caffeine, taurine, guarana, and other ingredients in the Alani Nu Energy Drink;
- i. Defendants failed to conduct adequate post-marketing surveillance to determine the safety of Alani Nu Energy Drinks; and
- j. All other defects according to Texas law, as may be identified during discovery.

The Alani Nu Energy Drink at issue could not be consumed as safely as an ordinary consumer would have expected when consumed in a reasonably foreseeable way. A reasonable person would conclude that the probability and seriousness of harm caused by the Alani Nu Energy Drink outweighed the burden or cost of making the product safe. A safer alternative design was economically and technologically feasible at the time the product left the control of Defendants.

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The defective and unreasonably dangerous condition of the Alani Nu Energy Drink was a producing and proximate cause of Decedent Larissa Rodriguez's injuries and death, and Plaintiffs' damages as set forth herein.

**B. STRICT LIABILITY – MARKETING DEFECT/FAILURE TO WARN**

Plaintiffs incorporate all paragraphs above herein by reference.

Defendants failed to give adequate and proper warnings and/or instructions regarding the dangers of the Alani Nu Energy Drink. Specifically, Defendants failed to warn consumers that:

- a. The Alani Nu Energy Drink contains 200 milligrams of caffeine per 12-ounce can, an amount that exceeds the maximum recommended daily intake for adolescents and poses serious cardiac risks;
- b. The Alani Nu Energy Drink contains undisclosed quantities of taurine, guarana extract, and other stimulants that compound and amplify the cardiac effects of caffeine;
- c. Consumption of Alani Nu Energy Drinks, particularly consumption of multiple cans, can cause cardiomyopathy, cardiac arrhythmia, cardiac arrest, and death;
- d. There is no safe daily consumption limit stated on the product, and consumers – particularly minors – are at heightened risk of overconsumption;
- e. The product is not safe for children, adolescents, or individuals with known or unknown cardiac conditions;
- f. The combination of stimulant ingredients in the Alani Nu Energy Drink poses different and greater cardiac risks than caffeine alone; and
- g. All other warning defects according to Texas law as may be identified during discovery.

Defendants' failure to give adequate warnings and instructions rendered the Alani Nu Energy Drink defective and unreasonably dangerous. This failure was a producing and proximate cause of Decedent Larissa Rodriguez's death and Plaintiffs' damages.

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**DAMAGES**

Plaintiffs incorporate all paragraphs above herein by reference.

**A. SURVIVAL**

As a result of the wrongful conduct of Defendants as described above, Decedent Larissa Rodriguez suffered physical pain and mental anguish, pain, and torment prior to her death. Additionally, her Estate incurred medical and funeral expenses and past and future lost wages and earning capacity, and other damages for which Defendants are liable.

As representative of Decedent Larissa Rodriguez's estate, Plaintiff Jennifer Alicia Rodriguez asserts the above-pled causes of action against Defendants on behalf of Larissa Rodriguez's estate pursuant to Tex. Civ. Prac. & Rem. Code § 71.021 and seeks damages as set forth below:

- a. Past mental anguish of Decedent Larissa Rodriguez prior to her death;
- b. Past physical and emotional pain of Decedent Larissa Rodriguez prior to her death;
- c. Past physical impairment of Decedent Larissa Rodriguez prior to her death;
- d. Decedent Larissa Rodriguez's medical and funeral expenses;
- e. Decedent Larissa Rodriguez's loss of earnings and loss of earning capacity in the past and in the future;
- f. Exemplary and punitive damages; and
- g. Any and all other damages to which the Estate of Larissa Rodriguez may be justly entitled both in law and in equity.

**B. WRONGFUL DEATH**

Because the wrongful conduct of Defendants, as described above, caused the death of Decedent Larissa Rodriguez, Plaintiffs have suffered a pecuniary loss, which includes the loss of

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the care, maintenance, support, services and household services, advice, counsel, and reasonable contributions of a pecuniary value that they, in reasonable probability, would have received from Larissa Rodriguez, had she lived.

Additionally, Plaintiffs have been forced to endure a loss of their daughter, which means the loss of the positive benefits flowing from the love, care, comfort, consortium, companionship, household services, maintenance, support, and society that Plaintiffs, in reasonable probability, would have received from Larissa Rodriguez, had she lived. Plaintiffs have also unfortunately experienced mental anguish, meaning emotional pain, torment, and suffering caused by Larissa Rodriguez's passing. This pecuniary loss, loss of companionship and society, and mental anguish, in reasonable probability, will be sustained in the future.

Accordingly, Plaintiffs have a cause of action against Defendants to recover damages for the wrongful death of Larissa Rodriguez, pursuant to TEX. CIV. PRAC. & REM. CODE §§ 71.002 and 71.004, including but not limited to those damages set forth below:

- a. Past and future mental anguish;
- b. Past and future loss of consortium;
- c. Past and future loss of care, maintenance, support, services, and household services;
- d. Past and future loss of companionship and society;
- e. Any and all damages recoverable under the Texas Wrongful Death and Texas Survival Statutes in excess of the minimum jurisdictional amount of this Court;
- f. Exemplary and punitive damages;
- g. Costs of suit;
- h. Pre-judgment and post-judgment interest; and
- i. Any and all other damages to which Plaintiffs may be justly entitled both in law and in equity.

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**PRESERVATION OF EVIDENCE**

Plaintiffs hereby request and demand that Defendants preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit and the damages resulting therefrom, including, but not limited to, photographs; videotapes; audiotapes; recordings; business or medical records; bills; estimates; invoices; checks; correspondence; memoranda; files; facsimiles; email; voice mail; text messages; investigation files; cellular telephone records; calendar entries; quality control records; adverse event reports; FDA correspondence; consumer complaints; ingredient specifications; manufacturing records; distribution records; marketing materials; social media content; influencer agreements; and any electronic image, data, or information related to Plaintiffs, the referenced incident, or any damages resulting therefrom. Failure to maintain such items will constitute spoliation of the evidence.

**RULE 193.7 NOTICE**

Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiffs hereby give actual notice that any documents produced in response to written discovery will be used in pretrial proceedings and at trial and will be deemed authentic unless Defendants object pursuant to this Rule.

**PRAYER**

By reason of all the above and foregoing, and on account of the injuries suffered by Plaintiffs as a result of this incident, Plaintiffs are entitled to recover from Defendants damages, both general and special, set forth in this petition, within the jurisdictional limits of this Court. Plaintiffs seek damages in excess of \$1,000,000. Plaintiffs also seek pre- and post-judgment interest and any other relief to which Plaintiffs may be justly entitled.

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Respectfully submitted,

**ABRAHAM, WATKINS, NICHOLS  
AGOSTO, AZIZ & STOGNER**

*/s/ Benny Agosto Jr.* \_\_\_\_\_

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