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Suit: Autopilot at fault for crash

Tesla's auto feature was being used when it collided into police vehicles

By Gabrielle Banks and Dug Begley
STAFF WRITERS

A group of Montgomery County law enforcement officers sued Tesla this week seeking up to \$20 million in damages after a car on autopilot in February plowed into them at full speed during a roadside traf-

fic stop.

The four Precinct 4 constable's deputies and a Splendora police officer also want compensation from Pappas Restaurants Inc., which the officers say served far too much alcohol to the person behind the wheel of the car.

The Harris County lawsuit, brought by high-profile plaintiffs'

lawyer Tony Buzbee, says it's "inconceivable" that Tesla and its founder Elon Musk don't already know that the vehicle's autopilot feature has been a factor in at least a dozen high speed collisions where Teslas crashed into parked emergency vehicles with their lights flashing, yet they haven't taken steps to warn drivers or address the flaws.

"Tesla's claims" about the effectiveness of its autopilot feature, the suit says, "have been proven to be

vastly and irresponsibly overstated, if not outright untrue."

"This is not a run-of-the-mill car crash on the side of the road," Buzbee said. "There's a bigger issue here, which is the No. 1 manufacturer of electric cars in the world is aware of a defect that puts officers at risk."

The National Highway Traffic Safety Administration has demanded data from the car company on the operation of the autopilot feature, citing 11 crashes involving

emergency vehicles nationwide that have killed one person and injured 17. The investigation covers roughly 765,000 Tesla vehicles built since 2014.

"Most incidents took place after dark and the crash scenes encountered included scene control measures such as first responder vehicle lights, flares, an illuminated arrow board, and road cones," investigators said in a summary of the investigation. "The involved sub-

Tesla continues on A3

COVID cases continue to lessen

Official warns virus surge isn't over yet

By Catherine Dominguez
STAFF WRITER

Despite a downward trend in active COVID-19 cases, Montgomery County health officials noted a slight increase in cases Wednesday climbing 359 to 9,013.

The increase is the first jump in several weeks, said Jason Millsaps, executive director of the Montgomery County Office of Emergency Management and Homeland Security.

"The positivity rate on COVID testing has continued to drop since our last meeting which is being seen directly in the number of active cases," Millsaps said during a commissioners' court meeting Tuesday. "They have substantially gone down in the last three weeks."

Millsaps said while numbers are still high, things are looking better.

"The delta surge is not over yet but we are on the right side of the decline," he said.

The Montgomery County Public Health District confirmed four additional COVID-19 related deaths Wednesday, including a New Caney man in his 40s; a Willis man in his 70s; a Conroe man in his 80s; and a Kingwood man in his 80s. All were hospitalized and not vaccinated when they died. The New Caney man was the only one reported to not have any other medical conditions.

Hospitalizations dropped by 10 to 254 with 79 of those patients in ICU. To date 32,277 people have recovered.

Helping the trend downward is the number of residents getting vaccinated. Millsaps said since July, almost 60 percent of those 12 and older in the county have been vaccinated. He noted that is slightly below the state average but in the Houston region, Montgomery County is third in that category in large counties.

The county is still operating a monoclonal antibody infusion center in The Woodlands but the federal government's change in how the antibodies distributed has reduced the number the center is getting.

COVID continues on A3

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Michael Minasi / Houston Chronicle

Montgomery resident Eva Rains, a descendant of Mary Ann Havard and Nickolas Crane, the original owners of the Crane House in the Fernland Historical Park, tells the history of the home to attendees of the Texian Heritage Festival on Oct. 7 2017, at Fernland Historical Park in Montgomery.

Montgomery's Fernland Park celebrates 10 years

By Noor Adatia
STAFF WRITER

Fernland Park, a historical park in Montgomery that is home to vintage Texas architecture, recently celebrated a special anniversary to commemorate its formation 10 years ago.

The celebration, held last Saturday, drew a crowd of around 200 people from all over the region.

The City of Montgomery, which put together the anniversary event, brought interpreters and invited speakers to the historical village.

Fernland, which was founded in 2011, is more than just a park as it also contains historical buildings, explained City Administrator Richard Tramm.

"It's more of a museum than a park," Tramm said.

The park's creators, Carroll and Mae
Fernland continues on A5



Jason Fochtman / Staff photographer

Volunteer Larry Daspit leads a tour of the Fernland Historical Park on May 9, 2018, in Montgomery.

Margaritaville rolls out refreshed menu

By Sondra Hernandez
STAFF WRITER

When Executive Chef Jake Brenchley came to Margaritaville Lake Resort earlier this year, he saw tremendous potential to offer guests a dazzling culinary experience at the resort.

After many years of cooking in upscale restaurants in Orlando and for Walt Disney World, the classically trained chef has four months under his belt at Margaritaville and he and the culinary

team have updated the menu at the resort's License to Chill Bar & Cafe.

A new menu featuring island-inspired creations with a Texas twist rolled out two weeks ago causing a buzz among the staff and guests alike.

License to Chill Cafe is a laid back three-meal-a-day eatery with floor-to-ceiling windows and an outdoor terrace overlooking the resort's water park and Lake Conroe.

Menu continues on A3



Gustavo Huerta / Staff photographer

Executive Chef Jake Brenchley prepares a dish at Margaritaville on Sept. 15 in Lake Conroe. A new menu was launched for License to Chill two weeks ago.

FROM THE FRONT

TESLA

From page A1

ject vehicles were all confirmed to have been engaged in either Autopilot or Traffic Aware Cruise Control during the approach to the crashes.”

The local suit accuses Musk of being cavalier in social media posts in response to drivers bragging about dangerous risks they’ve taken while using the feature. After a couple posted a video of themselves in 2019 having sex while their Tesla was chugging along on autopilot, Musk tweeted: “Turns out there are more ways to use Autopilot than we imagined. ... Shoulda seen it coming ...”

Anna Marchand, general counsel for Pappas said, “We have only just received this complaint and will be conducting an investigation into its allegations.”

“Our thoughts and prayers are with the officers involved,” Marchand said. “We want to thank the Montgomery County constables for all they do for our community.”

Officials at Tesla did not respond to a request for

comment. The crash at 1:15 a.m. Feb. 27 on the shoulder of Interstate 69 above East River Drive involved six people, two parked Chevy Tahoes belonging to Montgomery police officers and a K9 searching the vehicle of a driver suspected of drug possession. All the vehicles were totaled and multiple people required emergency medical treatment.

A Splendora officer was searching underneath the suspect’s truck with a K9, according to the Montgomery County Police Reporter. The suspect was handcuffed and standing behind the truck and speaking with a deputy near a patrol car. Other deputies were searching inside the suspect’s truck.

A man driving a Model X all-electric vehicle had been drinking at Pappasito’s Cantina, the suit says. He was heading north on the highway when he hit the group at 70 mph. The Tesla driver had deployed the car’s autopilot feature, which is advertised to assist with steering, accelerating, braking and provide collision warnings and blind spot monitoring, according to court docu-

ments. “The Tesla was completely unable to detect the existence of at least four vehicles, six people and a German shepherd fully stopped and in the lane of traffic,” the lawsuit says.

The officer underneath the truck was dragged a short distance and the handcuffed suspect was thrown under one of the vehicles and was hospitalized in critical condition following the crash, according to the Reporter. Buzbee said the suspect who had been stopped survived, but he did not know his current condition and he is not a party in the officers’ lawsuit.

A deputy was hit by the mirror on a patrol car. Another deputy was hit by the suspect’s vehicle and a sergeant was nearly pitched over the bridge wall to a 30-foot drop. He was pinned between the patrol unit and concrete wall, the Reporter said.

The officers suffered an array of orthopedic injuries including a broken arm and the K9 was treated at the vet, according to Buzbee.

The Tesla driver was uninjured and arrested on a DWI



Garcia, Michela / Montgomery County police reporter

Authorities investigate a crash involving a law enforcement vehicle and a Tesla on Feb. 27 in Montgomery.

charge, according to reports. He is not a defendant in the lawsuit.

Federal regulators are examining Tesla’s full self-driving feature and how it is promoted to its fiercely-loyal Tesla owners, as more crashes involving the autopilot features occur. Jennifer Homendy, the new chairwoman of the National Transportation Safety Board, said in an interview last week with the Wall Street Journal that “basic safety issues” must be addressed as the company

offers autonomy to drivers. NTSB, which investigates individual crashes and makes recommendations to automakers and policymakers, has investigated eight crashes related to self-driving systems, including an April 17 wreck in Spring that killed two men.

Dr. William Varner, 59, and Everette Talbot, 69, both died when Varner’s Tesla traveled less than 600 feet, slammed into a tree and caught fire. The investigation remains open, but the

NTSB said video evidence contradicts earlier statements by Harris County Constable Precinct 4 Mark Herman that no one was in the vehicle’s driver’s seat.

At issue in the Spring crash and others is whether Tesla is marketing a self-driving system that users think is more in command than they think, and concerns by experts that abuse of the system is rampant.

gabrielle.banks@chron.com
dug.begley@chron.com

MENU

From page A1

Resort guests, members and the public can dine at License to Chill.

A sprucing up of the menu came as the culinary team sought to offer diverse selections that mirror the diversity of their culinary team of 32. The resort currently has 10 culinary interns from the Bridges USA program who come from all over the world.

The conversation about updates began with an interest in breaking into the South Asian / Indian wedding market.

“It’s a very specialized market and very different than American weddings,” said Tom Faust, Vice President, Sales & Marketing at Margaritaville. “It’s a spectacular and elaborate week-end-long event.”

As that discussion evolved, there was more thought about the international scope of the culinary team and how do they incorporate those flavors in their menus and dining.

Amit Kumar, Director of Food and Beverage at Margaritaville, has a South Asian / Indian background and has culinary experience in Aruba, Orlando, New Orleans and Curaçao. He’s been a part of the team at Margaritaville prior to the resort opening in June 2020.

Brenchley studied cooking in France and continued his education at Le Cordon Bleu College of Culinary Arts in Orlando.

“I’ve always come to a property and seen the possibilities. I saw great potential here. There’s lots of opportunity to do something great,” he said.

At Walt Disney World, he worked in the Indian and South African restaurants.

“I became obsessed with that culture, particularly the South African / Indian influence,” he said. “For the past 15 years as a chef, I’ve incorporated those flavors into my cooking. I’m classically French trained, having studied in France. So this is very unorthodox fusing modern South African and Indian flavors into food. It really aligns with island food with the uses of fresh fruits and spices and herbs. I felt like my style of cuisine would fit really well here, especially with the international students backing that up.”

He said one thing they’ve found success with is fusing the Indian and South African flavors with Texas favorites.

“They meld not only with island style food but with Texas favorites,” he said.

They have brought on an industrial-sized smoker that can smoke all of their meats in-house. He’s also swapping out traditional Texas barbecue rubs with Indian and South African



Photos by Gustavo Huerta / Staff photographer

A new BLT flatbread is served on a wooden plank.



A spread sampler with tomato ginger jam, herb citrus ricotta cheese, classic hummus and crispy plantain chips, tortilla chips.



The Steak Frites dish.

rub.

“There’s been a great response to that,” he said. For example, instead of brown sugar in the rub, they’ve swapped it out for garam masala a warm and fragrant spice common in Indian cuisine.

Guests will see little touches like this throughout the refreshed License to Chill menu.

New on the breakfast menu are Avocado Shrimp Toast with mashed avocado, herb shrimp, whipped cream cheese and a fried egg all served on toasted sourdough bread. The Smokehouse Bowl makes use of their new smoker with house-smoked brisket, scrambled farm fresh eggs, roasted corn black bean verde relish, salsa roja, potatoes and cotija cheese.

They also have an island-style interpretation for chips and salsa – the Spread Sampler featuring tomato ginger jam, herb citrus ricotta cheese, classic hummus, crispy plantain chips and tortilla chips. Brenchley was inspired by Jamaica for this dish. He and his wife honeymooned there and they dined on ricotta-whipped spread with sweet potato chips and hummus with green chickpeas.

He looked to the West Indies to fill out the sampler with a tomato compote

cooked down with sugar.

Entrees include Jerk Salmon with a house jerk spice rub, pineapple ancho relish, rum butter, chili oil and smashed fingerling potatoes.

“I fell in love with the way they cooked potatoes in Jamaica. They cooked them in oil, garlic and lemon grass and would smash them and put them back in the oven,” Brenchley said.

There’s even a twist on the New York Strip steak and potatoes and coconut shrimp.

The Steak Frites is grilled NY strip steak, Parmesan steak fries, Shishito pepper chimichurri and frisée Bacon Salad on top. He said the thing that makes the fries special is they are coated with a butter made from the steak fat to add extra beefy flavor.

The “Coconut” Shrimp features roasted jumbo prawns, citrus cured vegetable fricassee, spiced coconut sauce and crispy plantains. It’s a twist as most coconut shrimp is fried.

“The shrimp is poached gently in a coconut milk mixture. So the coconut really comes from the broth,” he said.

To add even more variety, they’ll have a chef’s special each night for a dinner entree.

“The typical guest stay is three days. So we want

guests to have the option to try something different each night,” Kumar said.

Visit <https://www.margaritavillelakesorts.com/margaritaville-lake-resort-lake-conroe/eat-drink/license-to-chill-caf-bar> for more on License to Chill.

Up next at Margaritaville is the The Fall Craft Beer Festival at Margaritaville Lake Resort. It’s from 2 to 5 p.m. Oct. 2. The \$29 fee includes eight, 4 oz pours. Beers are from B-52, Southern Star Brewery, Copperhead and LandShark with live music from Trop Rock musician Thom Shephard. Visit <https://www.facebook.com/margaritavillelakeconroe/events> for more.

shernandez@hcnonline.com

COVID

From page A1

Millsaps said as of Sept. 13, the county now must coordinate with the state on the antibodies which then orders the treatments from the federal government. Previously, he noted, the county could order directly

from the manufactures of the monoclonal antibodies.

“We had no middleman,” Millsaps said. “It’s been more difficult since the September time frame to get it. It has not stopped operation but we are not getting same amount.”

cdominguez@hcnonline.com



Jessica Christian / The Chronicle

Montgomery County health officials noted a slight increase in COVID cases, climbing 359 to 9,013.

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