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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

KARI NELSON, individually, and
KIONO NELSON as the Personal
Representative for the ESTATE OF
FREDDY NELSON, JR.,

Plaintiffs,

vs.

TMT DEVELOPMENT CO., LLC, an
Oregon Corporation; D. PARK
CORPORATION, an Oregon Corporation
dba HAYDEN MEADOWS; MATTHEW
CADY, dba CORNERSTONE SECURITY
GROUP; JEFFREY JAMES, dba
CORNERSTONE SECURITY GROUP; TJ
LATHROM, dba CORNERSTONE
SECURITY GROUP; and LOGAN
GIMBEL.

Defendants.

Case No. 21CV40742

SUPPLEMENTAL DECLARATION OF
BEN TURNER IN SUPPORT OF
PLAINTIFFS’ OMNIBUS REPLY TO
DEFENDANTS’ OPPOSITION TO
PLAINTIFF’S MOTION FOR LEAVE TO
FILE SECOND AMENDED
COMPLAINT INCLUDING CLAIM FOR
PUNITIVE DAMAGES

I, Ben Turner, hereby declare as follows:

1. My name is Ben Turner, and I am one of the attorneys for Plaintiffs Kari Nelson and Estate of Freddy Nelson. I submit this declaration in support of Plaintiffs’ Omnibus Reply to Defendants’ Opposition to Plaintiffs’ Motion for Leave to File Second Amended Complaint Including Claim for Punitive Damages.

2. I am competent to testify to the matters contained in this declaration, which is based on my own personal knowledge.

{00611744;2}

1 3. I am competent to testify to the matters contained in this declaration, which is
2 based on my own personal knowledge.

3 4. To date, no Defendant has filed an answer in this case, no Defendant has served
4 requests for production, no Defendant has served requests for admission, and no Defendant has
5 noticed the deposition of any person. Defendant TMT has issued two document subpoenas on
6 June 1, 2023. No other defendant has issued any document subpoena.

7 5. Attached as Exhibit 17 is a true and correct copy of Plaintiff's First Request for
8 Production to Defendant TMT Development Co. LLC dated November 1, 2022.

9 6. Attached as Exhibit 18 is a true and correct copy of Defendant TMT Development
10 Co.'s Response to Plaintiff's First Request for Production dated December 5, 2022.

11 7. Lowe's Employee Laurie Sugahbeare testified at the criminal trial of Defendant
12 Logan Gimbel on April 27, 2023. During her testimony, the State introduced three email
13 exhibits from Ms. Sugahbeare to TMT employees dated April 7, 2021, April 9, 2021, and April
14 15, 2021. Each email exhibit referenced decedent Freddy Nelson. Attached as Exhibit 19 is a
15 true and correct copy of the State's exhibit list from the criminal trial. The emails at issue are
16 referenced as Exhibits 110-13.

17 8. Attached as Exhibit 20 is a true and correct copy of a Subpoena Duces Tecum to
18 Lowe's Home Centers, LLC dated October 31, 2022.

19 9. Attached as Exhibit 21 is Lowe's Home Centers, LLC's response to the subpoena
20 dated April 14, 2023.

21 **I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE**
22 **BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY**

23
24 {00611744;2}

1 **ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO**
2 **PENALTY FOR PERJURY.**

3 DATED this 14th day of June, 2023.

4 By: s/ Ben Turner
5 Ben Turner, OSB No. 144503
6 Email: ben@damorelaw.com
7 4230 Galewood Street, Suite 200
8 Lake Oswego, OR 97035
9 Telephone: 503-222-6333
10 *Of Attorneys for Plaintiffs*

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24 {00611744;2}

CERTIFICATE OF SERVICE

I hereby certify that on the below date, I served a true and correct copy of the SUPPLEMENTAL DECLARATION OF BENJAMIN J. TURNER IN SUPPORT OF PLAINTIFFS' OMNIBUS REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT INCLUDING CLAIM FOR PUNITIVE DAMAGES on the following in the manner(s) described below:

C.J. Martin
Email: cjm@mrlegalteam.com
Maloney, Laursdorf, Reiner P.C.
111 SW Fifth Ave., Ste. 4300
Portland, OR 97204
Of Attorneys for Defendant Cornerstone Security Group
[Service options: Odyssey File and Serve, Email, First Class Mail, Facsimile, Hand Delivery]

Steven Wraith
sgw@leesmart.com
Lee Smart PS Inc.
701 Pike St. Ste 1800
Seattle, WA 98101
Of Attorneys for Defendant Cornerstone Security Group
[Service options: Odyssey File and Serve, Email, First Class Mail, Facsimile, Hand Delivery]

Kirsten L. Curtis
Email: kirsten@thenelllawgroup.com
Thenell Law Group
12909 SW 68th Pkwy, Ste 290
Portland, OR 97223
Of Attorneys for Defendant Logan Gimbel
[Service options: Odyssey File and Serve, Email, First Class Mail, Facsimile, Hand Delivery]

Carey Caldwell
Email: cpc@hartwagner.com
Joe R. Traylor
Email: JRT@hartwagner.com
Hart Wagner
1000 SW Broadway
20th Floor
Portland, OR 97202
Of Attorneys for Defendant TMT Development Co., LLC
[Service options: Odyssey File and Serve, Email, First Class Mail, Facsimile, Hand Delivery]

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DATED this 14th day of June, 2023.

D'AMORE LAW GROUP, P.C.

By: s/ Daniel C. Doede
Daniel C. Doede, Paralegal

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

KARI NELSON, individually, and KIONO NELSON as the Personal Representative for the ESTATE OF FREDDY NELSON, JR.,

Case No. 21CV40742

vs.

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT TMT DEVELOPMENT CO.

TMT DEVELOPMENT CO., LLC, an Oregon Corporation; D. PARK CORPORATION, an Oregon Corporation dba HAYDEN MEADOWS; MATTHEW CADY, dba CORNERSTONE SECURITY GROUP; JEFFREY JAMES, dba CORNERSTONE SECURITY GROUP; TJ LATHROM, dba CORNERSTONE SECURITY GROUP; and LOGAN GIMBEL.

TO: Defendant TMT Development Co. and its attorney, Carey Caldwell:

Pursuant to ORCP 36 and 43, Plaintiff Kari Nelson and Plaintiff Kiono Nelson as Personal Representative of the Estate of Freddy Nelson, Jr. ("Plaintiffs") request that Defendant TMT Development Co. ("Defendant") produce and permit Plaintiff, by their attorney, to inspect and copy each of the documents requested within 30 days from the date of service at the offices of D'Amore Law Group, PC, 4230 Galewood Street, Suite 200, Lake Oswego, OR 97035, at 5:00 p.m.

These requests for production of documents are continuing in nature. They impose an obligation to produce the requested material: (1) up to and through the time of trial, and (2) at

{00570654;2}

1 any time that they become available, even if subsequent to a previously made negative response
2 to such request.

3 If any document is withheld from production in response to this request on the grounds
4 that its production is privileged or otherwise unwarranted due to the attorney-client privilege,
5 work product rule, or other legally recognized standard preventing its disclosure to requesting
6 party, then state separately for each such document:

7 The legal basis in which you claim protection against producing it;

- 8 1. The date of the document;
- 9 2. The nature of the document (e.g., letter);
- 10 3. The full name, job title, and employer (as of the date of the document) for each
11 author of the document;
- 12 4. The full name, job title, and employer (as of the date of the document) of each
13 addressee and name recipient of the document;
- 14 5. The full name, job title, and employer (as of the date of the document) of each
15 person who to your knowledge has seen the document (including any copy
16 thereof); and
- 17 6. In general, the substance of the document.

18 **DEFINITIONS**

19 As used in this request, the term “*documents*” shall mean all writings of any kind,
20 including the originals and all non-identical copies, whether different from the original by reason
21 of any notation made on such copies or otherwise, *and including any data kept on computer files,*
22 *including e-mail*, including without limitation, correspondence, memoranda, notes, diaries,
23 statistics, letters, telegrams, minutes, transcripts, contracts, reports, studies, check statements,

24 {00570654;2}

Page 2 – PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT TMT DEVELOPMENT CO.

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LAW GROUP Lake Oswego, OR 97035
(503) 222-6333

1 receipts, returns, summaries, pamphlets, books, interoffice and intra-office communication,
2 telephone calls, meetings, or other communications, bulletins, printed matter, invoices,
3 worksheets and all drafts, alterations, modifications, changes and amendments of any kind,
4 including without limitation, photographs, charts, microfilm, and electronic recordings such as
5 tapes or cassettes. “Documents” shall also include information maintained in magnetic,
6 electronic, digital, or optical format, including but not limited to word-processing documents,
7 email messages, spread sheets, databases, calendaring and scheduling programs, and other
8 software programs. Defendant is hereby reminded of its duty under ORCP 43A to obtain such
9 information and translate it through detection devices into reasonably usable form.

10 This definition includes all documents in your actual or constructive possession, custody
11 or control, or in the possession, custody or control of your employer, attorneys or agents. If any
12 document was, but is no longer, in your possession or subject to your control or was known to
13 you, but is no longer in existence, state whether it is:

- 14 1. Missing or lost;
- 15 2. Has been destroyed;
- 16 3. Has been transferred, voluntarily or involuntarily, to others; or
- 17 4. Was otherwise disposed of and, in such instance, explain in detail the circumstances
18 surrounding the authorization for such disposition and state the date or approximate
19 date thereof.

20 The term "Delta Park" shall mean the real properties located on N Hayden Meadows
21 Drive, as set forth in Plaintiff’s complaint. The term “*photograph*” shall mean all pictures,
22 movies, videotapes, drawings, sketches, diagrams, and plans. Plaintiff specifically requests that
23

24 {00570654;2}

1 all “*photographs*” be reproduced in color. Plaintiff agrees to reimburse the reasonable cost of
2 copying the “*photographs*” in color.

3 The terms “*you*” or “*your*” shall refer to the parties to whom these requests are addressed,
4 and your attorneys, agents, employees, officers, representatives, adjusters, investigators, and any
5 other person who is in the possession of or has obtained information on your behalf.

6 The terms “*person*” or “*individual*” shall include all natural persons, corporations,
7 partnerships, joint ventures, firms, associations, labor organizations, foundations,
8 proprietorships, boards, authorities, commissions, committees, government or private agencies,
9 and any and all other agencies or other entities. All references to the singular shall include the
10 plural and vice versa.

11 The term “*date*” means the exact day, month and year, if known or ascertainable, or your
12 best approximation thereof, including relationship to known events.

13 The term “*identify*,” “*identification*,” and “*identity*” in reference to

- 14 1. A natural person means full name, current or last known address, and current or
15 last known telephone number, the address and telephone number of that person’s
16 current or last known business affiliation, title or position currently held, and the
17 employer at the time of the event, transaction, or occurrence referred to;
- 18 2. Any other entity means its proper name, current or last known telephone number,
19 current or last known address, a description of the primary activity engaged in by
20 the entity, the name or current addresses of all agents who acted for or on its
21 behalf with respect to the subject matter of the inquiry, and the relationship of
22 such entity, if any, to the above-named defendant or other persons named in said
23 defendant’s pleadings; and
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{00570654;2}

Page 4 – PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT TMT DEVELOPMENT CO.

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1 3. Any record, document, or file means its name or title, number of pages, date,
2 author, addressee, persons copied, description of the type of document or other
3 identifying description, its present location, any identifying number or name, all
4 references thereto in other files or summaries thereof, and the name and current
5 address of the record custodian of the original and each copy thereof.

6 The terms "Cornerstone Security Group" and "Cornerstone" shall refer to Defendant
7 Matthew Cady doing business as Cornerstone Security Group and any of his employees, agents,
8 insurance company representatives, or other representatives acting on its behalf in this matter,
9 Defendant Jeffrey James doing business as Cornerstone Security Group, and any of his
10 employees, agents, insurance company representatives, or other representatives acting on its
11 behalf in this matter, Defendant TJ Lathrom doing business as Cornerstone Security Group, and
12 any of his employees, agents, insurance company representatives, or other representatives acting
13 on its behalf in this matter, and/or any of the above Defendants acting jointly or collectively as
14 Cornerstone Security Group, and any of their employees, agents, insurance company
15 representatives, or other representatives acting on its behalf in this matter.

16 The term "incident" shall refer to the shooting that resulted in Freddy Nelson's death on May 29,
17 2021, as set forth in Plaintiff's complaint.

18 **DOCUMENTS REQUESTED**

19 REQUEST NO. 1. Any and all documents relating to insurance coverage, including each
20 insurance policy or agreement that may satisfy part or all of a judgment entered in this action or
21 to indemnify or reimburse for payments made to satisfy the judgment, including, but not limited
22 to the complete insurance policy contract and declaration page for each.

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1 REQUEST NO. 2. Any and all written or recorded statements made by witnesses
2 pertaining to the subject of this lawsuit.

3 REQUEST NO. 3. Any and all investigation reports, charts, or diagrams made by any
4 state agency pertaining to the incident which gives rise to this lawsuit.

5 REQUEST NO. 4. Any and all non-privileged investigation reports, charts, or diagrams
6 made by TMT Development Co. pertaining to the incident which gives rise to this lawsuit.

7 REQUEST NO. 5. Copies of all cell phone records on the date of this incident for any
8 telephone call, messaging or text concerning the incident between Defendant TMT Development
9 Co. and its employees, managers, and/or agents and any employee, manager, supervisor or
10 company officer of Cornerstone.

11 REQUEST NO. 6. Copies of all cell phone records on the date of this incident for any
12 telephone call, messaging or text concerning the incident between any employees, managers,
13 supervisors or company officers of Defendant TMT Development Co.

14 REQUEST NO. 7. Copies of all reports, correspondence or investigations received from
15 Cornerstone concerning the incident.

16 REQUEST NO. 8. Any and all documents and correspondence between any employee,
17 manager, supervisor or company officer of TMT Development Co. and any employee, manager,
18 supervisor or company officer of Lowe’s Home Improvement regarding Freddy Nelson.

19 REQUEST NO. 9. Any and all documents and correspondence between any employee,
20 manager, supervisor or company officer of TMT Development Co. and any employee, manager,
21 supervisor or company officer of Lowe’s Home Improvement regarding Plaintiff Kari Nelson.

22 REQUEST NO. 10. Any and all documents (including emails and company publications)
23 referring to Freddy Nelson by TMT Development Co. and its employees prior to the “incident.”
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1 REQUEST NO. 11. Any and all documents (including emails and company publications)
2 referring to Kari Nelson by TMT Development Co. and its employees prior to the “incident.”

3 REQUEST NO. 12. Any and all documents (including emails and company publications)
4 referring to Freddy Nelson by TMT Development Co. and its employees subsequent to the
5 “incident.”

6 REQUEST NO. 13. Any and all documents (including emails and company publications)
7 referring to Freddy Nelson by TMT Development Co. and its employees subsequent to the
8 “incident.”

9 REQUEST NO. 14. Any and all documents concerning “BOLO,” “Be On The Lookout,”
10 “Trespass Orders,” “Excluded Orders” or any other means employed on the Delta Park Complex
11 property to exclude individuals from the premises that its employees or security contractors
12 patrolled.

13 REQUEST NO. 15. Any and all training materials, safety manuals and/or policy
14 documents TMT Development Co. provided to its employees, agents, and/or independent
15 contractors during the five-year period before the “incident” that pertain to the safety standards
16 and protocol for security of the premises.

17 REQUEST NO. 16. Any and all commercial lease agreements during the five-year period
18 before the “incident” between TMT Development Co. and Lowe’s Companies, Inc. Lowe’s
19 Home Centers, Inc., or Lowe’s Home Centers, LLC.

20 REQUEST NO. 17. Any and all communications that discuss, negotiate, or otherwise
21 mention the terms of any commercial lease agreements during the five-year period before the
22 “incident” between TMT Development Co. and Lowe’s Companies, Inc. Lowe’s Home Centers,
23 Inc., or Lowe’s Home Centers, LLC.

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1 REQUEST NO. 18. Any and all commercial lease agreements during the five-year period
2 before the “incident”between TMT Development Co. and BottleDrop, BottleDrop Oregon
3 Redemption Center, BottleDrop Give, BottleDrop Refill, BottleDrop Plastic, BottleDrop
4 Express, and/or the Oregon Beverage Recycling Cooperative.

5 REQUEST NO. 19. Any and all communications that discuss, negotiate, or otherwise
6 mention the terms of any commercial lease agreements during the five-year period before the
7 “incident”between TMT Development Co. and BottleDrop, BottleDrop Oregon Redemption
8 Center, BottleDrop Give, BottleDrop Refill, BottleDrop Plastic, BottleDrop Express, and/or the
9 Oregon Beverage Recycling Cooperative.

10 REQUEST NO. 20. Any and all commercial lease agreements during the five-year period
11 before the “incident”between TMT Development Co. and Dick’s Sporting Goods, Inc.

12 REQUEST NO. 21. Any and all communications that discuss, negotiate, or otherwise
13 mention the terms of any commercial lease agreements during the five-year period before the
14 “incident”between TMT Development Co. and Dick’s Sporting Goods, Inc.

15 REQUEST NO. 22. Any and all documents and correspondence relating to the rights of
16 TMT Development Co.’s Tenants including notice of entry requirements.

17 REQUEST NO. 23. Any and all documents relating to Cornerstone’s rights to surveil,
18 enter, or otherwise manage ground-lease tenant property.

19 REQUEST NO. 24. Any and all documents relating to Lowe’s Companies, Inc. Lowe’s
20 Home Centers, Inc., and Lowe’s Home Centers, LLC’s contracted security’s rights to surveil
21 ground-lease tenant property.

22 REQUEST NO. 25. Any and all documents (including contracts, agreements and
23 company publications) concerning the relationship between TMT Development Co. and D. Park.
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Page 8 – PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT TMT DEVELOPMENT CO.

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(503) 222-6333

1 REQUEST NO. 26. Any and all documents and correspondence relating to the
2 contractual relationship between Cornerstone Security Group, D. Park, and/or TMT
3 Development Co.

4 REQUEST NO. 27. Any and all documents (including but not limited to bylaws,
5 shareholder agreements, stock certificates, share ledgers, and articles of incorporation) reflecting
6 the corporate structure of TMT Development Co.

7 REQUEST NO. 28. Any and all documents and correspondence relating to the hiring or
8 termination of private security contractors on the Delta Park Complex from January 1, 2015 to
9 present.

10 REQUEST NO. 29. Any and all documents and correspondence by employees,
11 consultants, managers, supervisors or company officers of TMT Development Co. relating to the
12 decision to contract with Cornerstone Security Group.

13 REQUEST NO. 30. All documents and correspondence relating to remediation measures,
14 issue response, and/or management of Cornerstone Security Group.

15 REQUEST NO. 31. All documents, instructions, or training materials given to
16 Cornerstone Security Group's management who worked at the premises regarding the use of
17 pepper spray.

18 REQUEST NO. 32. All documents, instructions, or training materials given to
19 Cornerstone Security Group's management who worked at the premises regarding the use of
20 firearms.

21 REQUEST NO. 33. Any and all documents and correspondence relating to Henry
22 Hornecker's employment.
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1 REQUEST NO. 34. Any and all documents and correspondence relating to Marc
2 Wilkin's employment.

3 REQUEST NO. 35. Any and all documents and correspondence relating to Brian Hug's
4 employment.

5 REQUEST NO. 36. Any and all documents relating to the use of AR-15-style rifles by
6 Cornerstone Security Group.

7 REQUEST NO. 37. Any and all documents and correspondence between TMT
8 Development Co., BottleDrop, BottleDrop Oregon Redemption Center, BottleDrop Give,
9 BottleDrop Refill, BottleDrop Plastic, BottleDrop Express, and/or the Oregon Beverage
10 Recycling Cooperative and their agents or employees concerning the use of security at the Delta
11 Park Complex.

12 REQUEST NO. 38. Any and all documents and correspondence between TMT
13 Development Co., Lowe's Companies, Inc. Lowe's Home Centers, Inc., Lowe's Home Centers,
14 LLC, and their agents or employees concerning the use of security at the Delta Park Complex.

15 REQUEST NO. 39. Any and all documents and correspondence between TMT
16 Development Co., Dick's Sporting Goods, Inc., and their agents or employees concerning the use
17 of security at the Delta Park Complex.

18 REQUEST NO. 40. All Documents reflecting steps taken or policies implemented by
19 TMT Development Co. to ensure the security companies it contracted with used licensed private
20 security professionals.

21 REQUEST NO. 41. All correspondence between TMT Development Co. and
22 Cornerstone Security Group and their employees, agents, and/or independent contractors
23 regarding the certification of Cornerstone Security Group employees.

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1 REQUEST NO. 42. Any and all documents (including e-mails) generated prior to May
2 29, 2021 discussing Logan Gimbel’s training or certification to work as an *unarmed* security
3 professional.

4 REQUEST NO. 43. Any and all documents (including e-mails) generated prior to May
5 29, 2021 discussing Logan Gimbel’s training or certification to work as an *armed* security
6 professional.

7 REQUEST NO. 44. All video or photos taken at the site of the incident, specifically in
8 the Lowe’s Home Improvement Store lot.

9 REQUEST NO. 45. All videos that depict Freddy Nelson.

10 REQUEST NO. 46. A copy of all video footage recorded at Delta Park on May 29, 2021.

11 REQUEST NO. 47. Any and all documents (including e-mails) written from May 29,
12 2021, to the present referring to, concerning, or describing the incident.

13 REQUEST NO. 48. Copies of all documents, including, but not limited to, all reports,
14 citations, warnings, correspondence, emails, and notes concerning the actions of Cornerstone
15 Security Group's services on the Delta Park Complex by any private company or local, state or
16 federal agency in the ten-year period prior to this request.

17 REQUEST NO. 49. Any and all documents (including correspondence) written to, from,
18 or by Plaintiff, decedent Freddy Nelson, or their family members.

19 REQUEST NO. 50. A list of, and/or all documents reflecting the names, addresses,
20 and/or phone numbers of all other witnesses and/or potential witnesses to the incident or its
21 aftermath.

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DATED this 1st day of November, 2022.

D'AMORE LAW GROUP, P.C.

By: s/ Ben Turner

Thomas D'Amore, OSB No. 922735

Email: tom@damorelaw.com

Ben Turner, OSB No. 144503

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4230 Galewood Street, Suite 200

Lake Oswego, OR 97035

Telephone: (503) 222-6333

Attorneys for Plaintiff Freddy Nelson

{00570654;2}

Page 12 – PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT TMT DEVELOPMENT CO.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

KARI NELSON, individually, and KIONO)
NELSON as the Personal Representative for the)
ESTATE OF FREDDY NELSON, JR.,)
)
Plaintiff,)
)
v.)
)
TMT DEVELOPMENT CO., LLC, an Oregon)
Corporation; D. PARK CORPORATION, an)
Oregon Corporation dba HAYDEN MEADOWS;)
MATTHEW CADY, dba CORNERSTONE)
SECURITY GROUP; JEFFREY JAMES, dba)
CORNERSTONE SECURITY GROUP; TJ)
LATHROM, dba CORNERSTONE SECURITY)
GROUP; and LOGAN GIMBEL,)
)
Defendants.)
_____)

Case No. 21CV40742

**RESPONSE TO PLAINTIFF’S FIRST
REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT TMT
DEVELOPMENT CO. LLC**

COMES NOW defendants TMT DEVELOPMENT CO., LLC (“Defendant”) and,
pursuant to ORCP 36 and 43, makes the following responses and objections to Plaintiff’s First
Request for Production of Documents:

GENERAL OBJECTIONS

Defendant makes the following general objections, whether or not separately set forth in
response to each document request, to each and every instruction, definition and document
request made in Plaintiff’s Request for Production of Documents:

1. Defendant objects to the Definitions and Instructions to plaintiff’s document
request to the extent they purport to enlarge, expand, or alter in any way the plain meaning and
scope of any specific request on the grounds that such enlargement, expansion or alteration
renders the request vague, ambiguous, unintelligible, unduly broad and uncertain.

1 to the term “witnesses.” This Request also seeks materials not in Defendant’s possession,
2 custody, or control. Without waiving any objections, Defendant has no responsive documents.

3 **REQUEST NO. 3:** Any and all investigation reports, charts, or diagrams made by any
4 state agency pertaining to the incident which gives rise to this lawsuit.

5 **RESPONSE:** Objection. This Request is over broad and unduly burdensome. This
6 Request also seeks materials not in Defendant’s possession, custody, or control. Without waiving
7 any objections, Defendant has no responsive documents.

8 **REQUEST NO. 4:** Any and all non-privileged investigation reports, charts, or diagrams
9 made by Defendants pertaining to the incident which gives rise to this lawsuit.

10 **RESPONSE:** Objection. This Request is over broad and seeks materials not in
11 Defendant’s possession, custody, or control. Despite its admonition, this Request may also seek
12 materials subject to privilege, including but not limited to the attorney-client privilege, work
13 product privilege, as well as seek documents prepared in anticipation of litigation. Without
14 waiving any objections, Defendant has no responsive documents.

15 **REQUEST NO. 5:** Copies of all cell phone records on the date of this incident for any
16 telephone call, messaging or text concerning the incident between Defendant TMT Development
17 Co. and its employees, managers, and/or agents and any employee, manager, supervisor or
18 company officer of Cornerstone.

19 **RESPONSE:** Objection. This Request is over broad, unduly burdensome, and vague.
20 This Request also may seek materials subject to privilege, including the attorney-client and
21 work-product, as well as materials prepared in anticipation of litigation. Without waiving any
22 objections, Defendant has not identified any responsive documents in its possession at this time.
23 To the extent responsive, non-privileged documents may be discovered in Defendant’s
24 possession, those will be produced subject to an appropriate protective order.

25 **REQUEST NO. 6:** Copies of all cell phone records on the date of this incident for any
26 telephone call, messaging or text concerning the incident between any employees, managers,

1 supervisors or company officers of Defendant TMT Development Co.

2 RESPONSE: See Response to Request No. 5.

3 **REQUEST NO. 7:** Copies of all reports, correspondence or investigations received from
4 Cornerstone concerning the incident.

5 RESPONSE: Defendant will produce to the extent responsive documents are in its
6 possession.

7 **REQUEST NO. 8:** Any and all documents and correspondence between any employee,
8 manager, supervisor or company officer of TMT Development Co. and any employee, manager,
9 supervisor or company officer of Lowe's Home Improvement regarding Freddy Nelson.

10 RESPONSE: Objection. This Request is over broad, unduly burdensome, and not
11 reasonably calculated to lead to the discovery of relevant or admissible evidence. Without
12 waiving any objections, Defendant will produce to the extent responsive documents are in its
13 possession.

14 **REQUEST NO. 9:** Any and all documents and correspondence between any employee,
15 manager, supervisor or company officer of TMT Development Co. and any employee, manager,
16 supervisor or company officer of Lowe's Home Improvement regarding Plaintiff Kari Nelson.

17 RESPONSE: Objection. This Request is over broad, unduly burdensome, and not
18 reasonably calculated to lead to the discovery of relevant or admissible evidence. Without
19 waiving any objections, Defendant has no responsive documents.

20 **REQUEST NO. 10:** Any and all documents (including emails and company
21 publications) referring to Freddy Nelson by TMT Development Co. and its employees prior to
22 the "incident."

23 RESPONSE: Objection. This Request is over broad and unduly burdensome. This
24 Request also may seek materials subject to privilege, including but not limited to the attorney-
25 client privilege. Without waiving any objections, Defendant will produce pursuant to an
26 appropriate protective order to the extent responsive documents are in its possession.

1 **REQUEST NO. 11:** Any and all documents (including emails and company
2 publications) referring to Kari Nelson by TMT Development Co. and its employees prior to the
3 “incident.”

4 RESPONSE: Objection. This Request is over broad, unduly burdensome, and not
5 reasonably calculated to lead to the discovery of relevant or admissible evidence. This Request
6 also may seek materials subject to privilege, including but not limited to the attorney-client
7 privilege. Without waiving any objections, Defendant has no responsive documents.

8 **REQUEST NO. 12:** Any and all documents (including emails and company
9 publications) referring to Freddy Nelson by TMT Development Co. and its employees
10 subsequent to the “incident.”

11 RESPONSE: Objection. This Request is over broad, unduly burdensome, and vague as
12 to the term “company publications.” This Request also may seek materials subject to privilege,
13 including but not limited to the attorney-client privilege. Without waiving any objections,
14 Defendant will produce subject to an appropriate protective order, to the extent non-privileged
15 responsive documents are in its possession.

16 **REQUEST NO. 13:** Any and all documents (including emails and company
17 publications) referring to Freddy Nelson by D. Park Co. and its employees subsequent to the
18 “incident.”

19 RESPONSE: Objection. See Response to Request No. 12.

20 **REQUEST NO. 14:** Any and all documents concerning “BOLO,” “Be On The
21 Lookout,” “Trespass Orders,” “Excluded Orders” or any other means employed on the Delta
22 Park Complex property to exclude individuals from the premises that its employees or security
23 contractors patrolled.

24 RESPONSE: Objection. This Request is over broad, vague as to the phrase, “Be On The
25 Lookout,” “Trespass Orders,” “Excluded Orders,”” and seeks materials not in Defendant’s
26 possession, custody, or control. This Request may also seek confidential, protected business

1 records. Without waiving any objections, Defendant will produce subject to an appropriate
2 protective order, to the extent non-privileged responsive documents are in its possession.

3 **REQUEST NO. 15:** Any and all training materials, safety manuals and/or policy
4 documents TMT Development Co. provided to its employees, agents, and/or independent
5 contractors during the five-year period before the “incident” that pertain to the safety standards
6 and protocol for security of the premises.

7 RESPONSE: Objection. This Request is vague as to the term “policy documents.” This
8 Request is also impermissible argumentative in its conclusory language regarding “the safety
9 standards and protocol.” Without waiving any objections, Defendant has no responsive
10 documents.

11 **REQUEST NO. 16:** Any and all commercial lease agreements during the five-year
12 period before the “incident” between TMT Development Co. and Lowe’s Companies, Inc.
13 Lowe’s Home Centers, Inc., or Lowe’s Home Centers, LLC.

14 RESPONSE: Objection. This Request is over broad and not reasonably calculated to lead
15 to the discovery of relevant or admissible evidence. This Request also seeks confidential
16 business records. Plaintiff’s counsel may confer with Defendant’s counsel to limit the scope of
17 this Request. To the extent any materials would be produced pursuant to those limitations,
18 Defendant will produce pursuant to an appropriate protective order.

19 **REQUEST NO. 17:** Any and all communications that discuss, negotiate, or otherwise
20 mention the terms of any commercial lease agreements during the five-year period before the
21 “incident” between D. Park Co. and Lowe’s Companies, Inc. Lowe’s Home Centers, Inc., or
22 Lowe’s Home Centers, LLC.

23 RESPONSE: Objection. This Request is over broad and not reasonably calculated to lead
24 to the discovery of relevant or admissible evidence. This Request also seeks materials subject to
25 privilege, including but not limited to the attorney-client privilege. This Request further seeks
26 confidential business records.

1 **REQUEST NO. 18:** Any and all commercial lease agreements during the five-year
2 period before the “incident” between TMT Development Co. and BottleDrop, BottleDrop
3 Oregon Redemption Center, BottleDrop Give, BottleDrop Refill, BottleDrop Plastic, BottleDrop
4 Express, and/or the Oregon Beverage Recycling Cooperative.

5 RESPONSE: See Response to Request No. 16.

6 **REQUEST NO. 19:** Any and all communications that discuss, negotiate, or otherwise
7 mention the terms of any commercial lease agreements during the five-year period before the
8 “incident” between TMT Development Co. and BottleDrop, BottleDrop Oregon Redemption
9 Center, BottleDrop Give, BottleDrop Refill, BottleDrop Plastic, BottleDrop Express, and/or the
10 Oregon Beverage Recycling Cooperative.

11 RESPONSE: See Response to Request No. 17.

12 **REQUEST NO. 20:** Any and all commercial lease agreements during the five-year
13 period before the “incident” between TMT Development Co. and Dick’s Sporting Goods, Inc.

14 RESPONSE: See Response to Request No. 16.

15 **REQUEST NO. 21:** Any and all communications that discuss, negotiate, or otherwise
16 mention the terms of any commercial lease agreements during the five-year period before the
17 “incident” between Defendants and Dick’s Sporting Goods, Inc.

18 RESPONSE: See Response to Request No. 17.

19 **REQUEST NO. 22:** Any and all documents and correspondence relating to the rights of
20 TMT Development Co’s Tenants including notice of entry requirements.

21 RESPONSE: Objection. This Request is over broad, unduly burdensome, and vague as
22 to the phrase “the rights of TMT Development Co’s Tenants including notice of entry
23 requirements.” This Request also seeks materials protected by privilege, including but not
24 limited to the attorney-client privilege. This Request may further seek confidential business
25 materials. TMT is otherwise unable to understand the documents sought through this Request.

26 **REQUEST NO. 23:** Any and all documents relating to Cornerstone’s rights to surveil,

1 enter, or otherwise manage ground-lease tenant property.

2 RESPONSE: Objection. This Request is over broad, vague as to the terms “rights to
3 surveil” and “ground-lease tenant property.” This Request may also seek materials not in
4 Defendant’s possession, custody, or control. Without waiving any objections, Defendant will
5 produce subject to an appropriate protective order, to the extent non-privileged responsive
6 documents are in its possession.

7 **REQUEST NO. 24:** Any and all documents relating to Lowe’s Companies, Inc. Lowe’s
8 Home Centers, Inc., and Lowe’s Home Centers, LLC’s contracted security’s rights to surveil
9 ground-lease tenant property.

10 RESPONSE: Objection. This Request is over broad, vague in its entirety, and seeks
11 materials not in Defendant’s possession, custody, or control. This Request may also seek
12 materials protected by privilege, including but not limited to the attorney-client privilege as well
13 as confidential business records. Without waiving any objections, Defendant has no responsive
14 documents.

15 **REQUEST NO. 25:** Any and all documents (including contracts, agreements and
16 company publications) concerning the relationship between TMT Development Co. and D. Park.

17 RESPONSE: Objection. This Request is over broad, unduly burdensome, vague as to the
18 term “company publications,” and not reasonably calculated to lead to the discovery of relevant
19 or admissible evidence. This Request also seeks materials protected by privilege, including but
20 not limited to the attorney-client privilege, as well as seeks confidential business records.
21 Without waiving any objections, Defendant will produce responsive, non-privilege records
22 subject to an appropriate protective order.

23 **REQUEST NO. 26:** Any and all documents and correspondence relating to the
24 contractual relationship between Cornerstone Security Group, D. Park Co. and/or TMT
25 Development Co..

26 RESPONSE: Objection. This Request is over broad, unduly burdensome, vague as to the

1 term “company publications,” and not reasonably calculated to lead to the discovery of relevant
2 or admissible evidence. This Request also seeks materials protected by privilege, including but
3 not limited to the attorney-client privilege, as well as seeks confidential business records.
4 Without waiving any objections, Defendant will produce responsive, non-privilege records
5 subject to an appropriate protective order.

6 **REQUEST NO. 27:** Any and all documents (including but not limited to bylaws,
7 shareholder agreements, stock certificates, share ledgers, and articles of incorporation) reflecting
8 the corporate structure of TMT Development Co.

9 RESPONSE: Objection. This Request is over broad, unduly burdensome, and not
10 reasonably calculated to lead to the discovery of relevant or admissible evidence. This Request
11 also seeks materials subject to privilege, including but not limited to the attorney-client privilege.
12 This Request also seek confidential business records.

13 **REQUEST NO. 28:** Any and all documents and correspondence relating to the hiring or
14 termination of private security contractors on the Delta Park Complex from January 1, 2015 to
15 present.

16 RESPONSE: Objection. This Request is over broad, unduly burdensome, and seeks
17 materials not in Defendant’s possession, custody, or control. This Request may also seek
18 materials subject to privilege, including but not limited to the attorney-client privilege, as well as
19 seek confidential business records. Without waiving any objections, Defendant will produce
20 responsive, non-privilege records subject to an appropriate protective order.

21 **REQUEST NO. 29:** Any and all documents and correspondence by employees,
22 consultants, managers, supervisors or company officers of TMT Development Co. or D. Park Co.
23 relating to the decision to contract with Cornerstone Security Group.

24 RESPONSE: Objection. This Request is over broad, unduly burdensome, and seeks
25 materials not in Defendant’s possession, custody, or control. Without waiving any objections,
26 Defendant will produce responsive, non-privilege records subject to an appropriate protective order.

1 **REQUEST NO. 30:** All documents and correspondence relating to remediation
2 measures, issue response, and/or management of Cornerstone Security Group.

3 RESPONSE: Objection. This Request is vague in its entirety. This Request also seeks
4 materials not in Defendant's possession, custody, or control. Without waiving any objections,
5 Defendant will produce responsive, non-privilege records to the extent in its possession and
6 subject to an appropriate protective order.

7 **REQUEST NO. 31:** All documents, instructions, or training materials given to
8 Cornerstone Security Group's management who worked at the premises regarding the use of
9 pepper spray.

10 RESPONSE: Objection. This Request is vague, over broad, and seeks materials not in
11 Defendant's possession, custody, or control – TMT is not a security professional. Without
12 waiving any objections, Defendant has no responsive documents.

13 **REQUEST NO. 32:** All documents, instructions, or training materials given to
14 Cornerstone Security Group's management who worked at the premises regarding the use of
15 firearms.

16 RESPONSE: See Response to Request No. 31.

17 **REQUEST NO. 33:** Any and all documents and correspondence relating to Henry
18 Hornecker's employment.

19 RESPONSE: Objection. This Request is over broad, unduly burdensome, and not
20 reasonably calculated to lead to the discovery of relevant or admissible evidence. This Request
21 also seeks private personal information with statutory protections. This Request further seeks
22 materials not in Defendant's possession, custody, or control.

23 **REQUEST NO. 34:** Any and all documents and correspondence relating to Marc
24 Wilkin's employment.

25 RESPONSE: See Response to Request No. 33.

26 **REQUEST NO. 35:** Any and all documents and correspondence relating to Brian Hug's

1 employment.

2 RESPONSE: See Response to Request No. 33.

3 **REQUEST NO. 36:** Any and all documents relating to the use of AR-15-style rifles by
4 Cornerstone Security Group.

5 RESPONSE: Objection. This Request is vague, over broad, and seeks materials not in
6 Defendant's possession, custody, or control. This Request is also not reasonably calculated to
7 lead to the discovery of relevant or admissible evidence. Without waiving any objections,
8 Defendant has no responsive documents.

9 **REQUEST NO. 37:** Any and all documents and correspondence between TMT
10 Development Co., BottleDrop, BottleDrop Oregon Redemption Center, BottleDrop Give,
11 BottleDrop Refill, BottleDrop Plastic, BottleDrop Express, and/or the Oregon Beverage
12 Recycling Cooperative and their agents or employees concerning the use of security at the Delta
13 Park Complex.

14 RESPONSE: Defendant will produce subject to an appropriate protective order.

15 **REQUEST NO. 38:** Any and all documents and correspondence between D. Park Co.,
16 Lowe's Companies, Inc. Lowe's Home Centers, Inc., Lowe's Home Centers, LLC, and their
17 agents or employees concerning the use of security at the Delta Park Complex.

18 RESPONSE: See Response to Request No. 37.

19 **REQUEST NO. 39:** Any and all documents and correspondence between D. Park Co.,
20 Dick's Sporting Goods, Inc., and their agents or employees concerning the use of security at the
21 Delta Park Complex.

22 RESPONSE: See Response to Request No. 37.

23 **REQUEST NO. 40:** All Documents reflecting steps taken or policies implemented by
24 TMT Development Co. to ensure the security companies it contracted with used licensed private
25 security professionals.

26 RESPONSE: Objection. This Request is an interrogatory not allowed by the Oregon

1 Rules of Civil Procedure. This Request is also argumentative and attempts to improperly interject
2 legal argument into discovery requests.

3 **REQUEST NO. 41:** All correspondence between TMT Development Co. and
4 Cornerstone Security Group and their employees, agents, and/or independent contractors
5 regarding the certification of Cornerstone Security Group employees.

6 RESPONSE: Defendant will produce to the extent such materials exist, subject to an
7 appropriate protective order.

8 **REQUEST NO. 42:** Any and all documents (including e-mails) generated prior to May
9 29, 2021 discussing Logan Gimbel's training or certification to work as an *unarmed* security
10 professional.

11 RESPONSE: Objection. This Request is over broad and seeks materials not in
12 Defendant's possession, custody, or control. Without waiving any objections, Defendant has no
13 responsive documents.

14 **REQUEST NO. 43:** Any and all documents (including e-mails) generated prior to May
15 29, 2021 discussing Logan Gimbel's training or certification to work as an *armed* security
16 professional.

17 RESPONSE: See Response to Request No. 42.

18 **REQUEST NO. 44:** All video or photos taken at the site of the incident, specifically in
19 the Lowe's Home Improvement Store lot.

20 RESPONSE: Objection. This Request is over broad, unduly burdensome, seeks materials
21 not in Defendant's possession, custody, or control, and is not reasonably calculated to lead to the
22 discovery of relevant or admissible evidence. This Request may also seek materials protected by
23 privilege, including but not limited to the attorney-client privilege. Without waiving any
24 objections, Defendant has no responsive documents.

25 **REQUEST NO. 45:** All videos that depict Freddy Nelson.

26 RESPONSE: Objection. This Request is over broad, unduly burdensome, seeks materials

1 not in Defendant's possession, custody, or control, and not reasonably calculated to lead to the
2 discovery of relevant or admissible evidence. Without waiving any objections, Defendant has no
3 responsive documents.

4 **REQUEST NO. 46:** A copy of all video footage recorded at Delta Park on May 29,
5 2021.

6 RESPONSE: Objection. This Request is over broad and seeks materials not in
7 Defendant's possession, custody, or control. Without waiving any objections, Defendant has no
8 responsive documents.

9 **REQUEST NO. 47:** Any and all documents (including e-mails) written from May 29,
10 2021, to the present referring to, concerning, or describing the incident.

11 RESPONSE: Objection. This Request is over broad, unduly burdensome, seeks materials
12 not in Defendant's possession, custody, or control, and not reasonably calculated to lead to the
13 discovery of relevant or admissible evidence. This Request also seeks materials protected by
14 privilege, including but not limited to the attorney-client privilege. Without waiving any
15 objections, Defendant will produce responsive, non-privilege records to the extent in its
16 possession and subject to an appropriate protective order.

17 **REQUEST NO. 48:** Copies of all documents, including, but not limited to, all reports,
18 citations, warnings, correspondence, emails, and notes concerning the actions of Cornerstone
19 Security Group's services on the Delta Park Complex by any private company or local, state or
20 federal agency in the ten-year period prior to this request.

21 RESPONSE: Objection. This Request is over broad, unduly burdensome, and seeks
22 materials not in Defendant's possession, custody, or control. This Request also seeks materials
23 subject to privilege, including but not limited to the work-product and attorney client privileges.
24 Without waiving any objections, Defendant has no non-privileged responsive documents.

25 **REQUEST NO. 49:** Any and all documents (including correspondence) written to,
26 from, or by Plaintiff, decedent Freddy Nelson, or their family members.

1 RESPONSE: Objection. This Request is over broad, unduly burdensome, seeks materials
2 not in Defendant’s possession, custody, or control, and not reasonably calculated to lead to the
3 discovery of relevant or admissible evidence. Without waiving any objections, Defendant has no
4 responsive documents.

5 **REQUEST NO. 50:** A list of, and/or all documents reflecting the names, addresses,
6 and/or phone numbers of all other witnesses and/or potential witnesses to the incident or its
7 aftermath.

8 RESPONSE: Objection. This request seeks material not subject to the discovery under
9 Rules 36 and 43. *State ex rel. Union Pac. R. Co. v. Crookham*, 295 Or 66 (1983). Without
10 waiving any objections, Defendant has no responsive documents.

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DATED this 5th day of December, 2022.

HART WAGNER LLP

By: /s/ Carey Caldwell
Joe R. Traylor, OSB No. 964412
jrt@hartwagner.com
Carey Caldwell, OSB No. 093032
cpc@hartwagner.com
Of Attorneys for TMT Development Co., LLC

Trial Attorney: Joe R. Traylor

MLW

FOURTH JUDICIAL DISTRICT
WITNESS/EXHIBIT RECEIPT

Case # 21CR58706

Plaintiff(s) State of Oregon PI Atty Todd Jackson Bar # 114240
Amanda Nadell Bar # 084504

Defendant(s) Logan Conrad Gimbel Def Atty John Gutbezahl Bar # 940845
Alex Spinks Bar # 134950

Judge Christopher J. Marshall Type of Proceeding Trial – Twelve Person Jury

Clerk Chenderlin/Gibson Date(s) 04/25/2023 – 04/28/2023;
05/01/2023 – 05/05/2023; 5/8/23

Photographer Name FTR

Plaintiff/Petitioner Witnesses		Defendant/Respondent Witnesses	
1.	Sgt John Shadron – 4/26/23	1.	Gregory Gilbertson – 5/1/23
2.	Detective Rico Beniga – 4/26/23	2.	Michael Sinnott – 5/2/23
3.	Detective Ryan Foote – 4/26/23, 4/27/23	3.	Melissa Springs – 5/3/23
4.	Viktoria Rounds – 4/27/23	4.	Freddy Rojas – 5/3/23
5.	Jeff Erwin – 4/27/23	5.	Killian Kuhn – 5/3/23
6.	Julie Jenson – 4/27/23	6.	Logan Gimbel – 5/3/23
7.	Jennifer Inouye – 4/27/23	7.	
8.	Carissa White – 4/27/23	8.	
9.	Jacquelyn Cameron – 4/27/23	9.	
10.	Laurie Sugahbeare – 4/27/23	10.	
11.	Magdalena Juan-Dean – 4/28/23	11.	
12.	Justin Igl – 4/28/23	12.	
13.	Kari Nelson – 4/28/23	13.	
14.	Leo Igl – 4/28/23	14.	
15.	John Fiedler – 4/28/23	15.	
16.	Lena Dahl RN – 4/28/23	16.	
17.	Officer Kendall Pamphuis – 5/1/23	17.	
18.	Detective Travis Law – 5/1/23	18.	
19.	Shawn Malinkowski – 5/1/23	19.	
20.	Dr. Rebecca Millius – 5/2/23	20.	
21.	Danelle Heikkila – 5/2/23	21.	
22.	James Holman – 5/2/23	22.	

4TH JUDICIAL DIST.
23 MAY 10 AM 11:56
FILED

21CR58706
EBLS
Exhibit - List
16684779



Exh. No.	Plt/Pet	Def/Rsp	Court	Official Version for Appeal (check one)			Itemized Description of Exhibit	Off	Adm	W/D	Rtn. Initials	File Rm.
				eFile	V:\	Physical						
1	X		Photo			X	Overhead Scene	X	Y			✓
2	X		Photo			X	Vehicles and Rounds	X	Y			✓
3	X		Photo			X	Security Car	X	Y			✓
4	X		Photo			X	Security Car Font	X	Y			✓
5	X		Photo			X	Nelson truck front	X	Y			✓
6	X		Photo			X	Distance Between Truck and Car	X	Y			✓

pg 1 of 6

108	X		Video File		X	Juan Dean Video 1	X	Y			✓
109	X		Video File		X	Juan Dean Video 2	X	Y			✓
110	X		Hard Copy		X	4-7-2021 email Laurie Sugahbeare to Marc at TMT	X	Y			✓
111	X		Hard Copy		X	4-9-2021 8:40 a.m. email Laurie Sugahbeare to Brian at TMT	X	Y			✓
112	X		Hard Copy		X	4-9-2021 8:41 a.m. email Laurie Sugahbeare to Brian at TMT	X	Y			✓
113	X		Hard Copy		X	4-15-2023 email Laurie Sugahbeare to Brian at TMT	X	Y			✓
114	X		Photo		X	Pistol + round from chamber	X	Y			✓
115	X		Hard Copy		X	DPSST – Section 3 Use of Force	X	Y			✓
116	X		Hard Copy		X	DPSST – no requirement to use force	X	Y			✓
117	X		Hard Copy		X	DPSST – Becoming an Aggressor	X	Y			✓
118	X		Hard Copy		X	DPSST – Being the aggressor	X	Y			✓
119	X		Hard Copy		X	DPSST – Determination of Force Matrix	X	Y			✓
120	X		Hard Copy		X	DPSST – Alternatives to Force	X	Y			✓
121	X		Hard Copy		X	DPSST – Thinking about Tactics	X	Y			✓
122	X		Hard Copy		X	DPSST – Basic Tactical Principles	X	Y			✓
123	X		Hard Copy		X	DPSST – Understand, Recognize and Use Cover and Concealment	X	Y			✓
124	X		Hard Copy		X	DPSST – Movement	X	Y			✓
125	X		Hard Copy		X	DPSST – Maximize Distance from the Threat	X	Y			✓
126	X		Hard Copy		X	DPSST – Barriers	X	Y			✓
127	X		Hard Copy		X	DPSST – Avoid being a target	X	Y			✓
128	X		Hard Copy		X	DPSST – Communicate and Obtain Assistance	X	Y			✓
129	X		Hard Copy		X	DPSST – Safe Retreat	X	Y			✓
130	X		Hard Copy		X	DPSST – Shooting at Vehicles	X	Y			✓
201		X			X	Google Maps view of Delta Park	X	Y			✓
202		X			X	Photo showing truck distance	X	Y			✓
203		X			X	Photo from passenger side	X	Y			✓
301			X		X	Juror question 1	X	Y		pg 5 of 6	✓
302			X		X	Juror question 2	X	Y			✓

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

KARI NELSON, individually, and KIONO NELSON as the Personal Representative for the ESTATE OF FREDDY NELSON, JR.,

Plaintiffs,

vs.

TMT DEVELOPMENT CO., LLC, an Oregon Corporation; D. PARK CORPORATION, an Oregon Corporation dba HAYDEN MEADOWS; MATTHEW CADY, dba CORNERSTONE SECURITY GROUP; JEFFREY JAMES, dba CORNERSTONE SECURITY GROUP; TJ LATHROM, dba CORNERSTONE SECURITY GROUP; and LOGAN GIMBEL,

Defendants.

Case No. 21CV40742

SUBPOENA DUCES TECUM TO LOWE'S HOME CENTERS, LLC

TO: Lowe's Home Centers, LLC
c/o Registered Agent, Corporation Service Company
1127 Broadway Street NE, Suite 310
Salem, OR 97301

Pursuant to ORCP 55, you are required to produce to the offices of D'Amore Law Group, located at 4230 Galewood St., Suite 200, Lake Oswego, OR 97035, on or before 10:00 a.m., the 15th day of December, 2022, the following documents:

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1. Copies of any and all communications and *documents*¹ between Lowe’s and Defendant TMT Development Co., LLC and/or Defendant D. Park Corporation concerning the shooting that resulted in Freddy Nelson’s death on May 29, 2021 in the parking lot of Lowe’s Delta Park store located at 1160 N. Hayden Meadows Dr., Portland, OR 97217.
2. Copies of any and all communications and *documents* between Lowe’s and Defendant TMT Development Co., LLC and/or Defendant D. Park Corporation, from 2018 through the present, concerning security plans, personnel or protocols in place for the Lowe’s Delta Park store and adjacent parking lot located at 1160 N. Hayden Meadows Dr., Portland, OR 97217.
3. Copies of any and all communications and *documents* between Lowe’s and Defendant TMT Development Co., LLC and/or Defendant D. Park Corporation, from 2018 through the present, concerning proposed or recommended security plans, personnel or protocols to be put in place for the Lowe’s Delta Park store and adjacent parking lot located at 1160 N. Hayden Meadows Dr., Portland, OR 97217.
4. Copies of any and all communications and *documents* between Lowe’s and Defendant TMT Development Co., LLC and/or Defendant D. Park Corporation, from 2018 through the present, concerning the BottleDrop Center operated by the Oregon Beverage Recycling Cooperative located adjacent to the Lowe’s Delta Park store at 1160 N. Hayden Meadows Dr., Portland, OR 97217.
5. Copies of any and all communications and *documents* between Lowe’s and Defendants Matthew Cady, Jeffrey James, and/or TJ Lathrom concerning the shooting that resulted in Freddy Nelson’s death on May 29, 2021 in the parking lot of Lowe’s Delta Park store located at 1160 N. Hayden Meadows Dr., Portland, OR 97217.

¹ As used in this Subpoena, the term “documents” shall mean all writings of any kind, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, **and including any data kept on computer files, including e-mail**, including without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, transcripts, contracts, reports, studies, check statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office communication, telephone calls, meetings, or other communications, bulletins, printed matter, invoices, worksheets and all drafts, alterations, modifications, changes and amendments of any kind, including without limitation, photographs, charts, microfilm, and electronic recordings such as tapes or cassettes. “Documents” shall also include information maintained in magnetic, electronic, digital, or optical format, including but not limited to word-processing documents, email messages, spread sheets, databases, calendaring and scheduling programs, and other software programs.

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- 6. Copies of any and all communications and *documents* between Lowe’s and Defendants Matthew Cady, Jeffrey James, and/or TJ Lathrom from 2018 through the present, concerning security plans, personnel or protocols in place for the Lowe’s Delta Park store and adjacent parking lot located at 1160 N. Hayden Meadows Dr., Portland, OR 97217.
- 7. Copies of any and all communications and *documents* between Lowe’s and Defendants Matthew Cady, Jeffrey James, and/or TJ Lathrom, from 2018 through the present, concerning proposed or recommended security plans, personnel or protocols to be put in place for the Lowe’s Delta Park store and adjacent parking lot located at 1160 N. Hayden Meadows Dr., Portland, OR 97217.

COMPLIANCE WITH THIS SUBPOENA DOES NOT REQUIRE A PERSONAL APPEARANCE. YOU MAY COMPLY WITH THIS SUBPOENA BY SENDING TRUE, ACCURATE AND LEGIBLE PHOTOCOPIES OF THE REQUESTED DOCUMENTS TO: D’Amore Law Group, 4230 Galewood St., Suite 200, Lake Oswego, OR 97035, FOR RECEIPT ON OR BEFORE AUGUST 30, 2022, TOGETHER WITH THE SIGNED DECLARATION OF THE CUSTODIAN OF RECORDS.

Witness Fee: \$30.00
 Mileage: 0.00
 Total: \$30.00

DATED this 31st day of October, 2022.

D’AMORE LAW GROUP, P.C.

By: 

 Thomas D’Amore, OSB No. 922735
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 Telephone: 503-222-6333

Attorneys for Plaintiff Freddy Nelson

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CERTIFICATE OF SERVICE

I hereby certify that on the below date, I served a true and correct copy of the foregoing **Subpoena Duces Tecum** on the following in the manner(s) described below, and that said service will be seven or more days prior to service of the Subpoena Duces Tecum as required by ORCP55 C(3), or by waiver of said notice period by counsel under the rule:

Carey Caldwell Odyssey File and Serve
Email: cpc@hartwagner.com Email
Joe R. Traylor First Class Mail
Email: JRT@hartwagner.com Facsimile
Hart Wagner LLP Hand Delivery
1000 SW Broadway
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Portland, OR 97205

Of Attorneys for Defendant TMT Development Co., LLC

C J Martin, Esq. Odyssey File and Serve
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Of Attorneys for Defendant Cornerstone Security Group

Kirsten L. Curtis Odyssey File and Serve
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12909 SW 68th Parkway, Suite 290 Facsimile
Portland, OR 97223 Hand Delivery

Of Attorneys for Defendant Logan Gimbel

DATED this 31st day of October , 2022.

D'AMORE LAW GROUP, P.C.

By: s/Daniel C. Doede
Daniel C. Doede, Paralegal



April 14, 2023

VIA EMAIL

Ben Turner, Esq.
D'Amore Law Group
4230 Galewood Street
Suite 200
Lake Oswego, OR 97035

Re: Kari Nelson, et al. v. TMT Development Co., et al.
Case No.: 21CV40742

Dear Ben:

We are in possession of the Subpoena wherein you requested records pertaining to the matter listed above. After a reasonable and diligent search of Lowe's records, enclosed please find the responsive document production. Please be advised that these records are produced on behalf of Lowe's Home Centers, LLC.

We trust this satisfies Lowe's obligation with respect to this Subpoena. Please feel free to contact me directly should you have any questions.

Sincerely,

/s/ Christine M. Camino

Christine M. Camino
Paralegal

Enclosure