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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 Limited Liability Company; D. PARK CORPORATION, an Oregon Corporation dba HAYDEN MEADOWS; HAYDEN MEADOWS, A JOINT VENTURE; LOWE’S HOME CENTERS, LLC; 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

SECOND AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
(Negligent, Reckless, and/or Wanton Conduct, Wrongful Death, Negligent, Reckless, and/or Wanton Infliction of Emotional Distress)

PRAYER: \$150,000,000
(Filing Fee Pursuant to ORS 21.160(1)(e))

CLAIM NOT SUBJECT TO MANDATORY ARBITRATION
(Pursuant to UTCR 13.060)

Plaintiffs KARI NELSON and KIONO NELSON, as Personal Representative of THE ESTATE OF FREDDY NELSON, JR. allege:

PARTIES

1.

At all material times, Plaintiff Kari Nelson and decedent Freddy Nelson, Jr. (collectively “the Nelsons”) were both adults, a married couple, and residents of Multnomah County, Oregon.

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2.

Kiono Nelson is the duly appointed personal representative of the Estate of Freddy Nelson, Jr. Kiono Nelson's appointment is for the sole purpose of bringing this wrongful death action.

3.

At all material times, TMT Development Co., LLC (hereinafter "TMT") was an Oregon limited liability company. Defendant TMT has regular and sustained business activities in Multnomah County, Oregon.

4.

At all material times, D. Park Corporation, doing business as Hayden Meadows (hereinafter "D. Park"), was an Oregon Corporation. Defendant D. Park has regular and sustained business activities in Multnomah County, Oregon.

At all material times, Hayden Headows, a Joint Venture (hereinafter "Hayden Meadows"), was an assumed business name of D. Park Corporation and the WM. L. Seibel Non Exempt QTIP, doing business in Multnomah County, Oregon.

5.

At all material times, Lowe's Home Centers, LLC (hereinafter "Lowe's") was a North Carolina limited liability company that that maintains a store location at 1160 N Hayden Meadows Drive in Multnomah County, Oregon.

6.

At all material times, Matthew Cady, doing business as Cornerstone Security Group (hereinafter "Cady"), was a resident of Clackamas County, Oregon.

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7.

At all material times, Jeffrey James, doing business as Cornerstone Security Group (hereinafter “James”), was a resident of Clackamas County, Oregon.

8.

At all material times, T.J. Lathrom, doing business as Cornerstone Security Group (hereinafter “Lathrom”), was a resident of Multnomah County, Oregon.

9.

At all material times, Logan Gimbel was a resident of Clark County, Washington. At all material times, Logan Gimbel was acting in the course and scope of his employment with Cornerstone Security Group.

JURISDICTION AND VENUE

10.

Jurisdiction and venue are proper in the Circuit Court for Multnomah County because the acts and omissions giving rise to this complaint occurred in Multnomah County and one or more defendants reside in Multnomah County.

FACTUAL BACKGROUND

11.

At the time of the incident giving rise to this lawsuit, Defendants Cady, Lathrom, and James (collectively referred to as “Cornerstone Defendants”) were doing business as Cornerstone Security Group. The Cornerstone Defendants held themselves out as a security business exclusively providing armed security.

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12.

Defendants D. Park and Hayden Meadows owned real property located on N Hayden Meadows Drive in Portland, Oregon, including the real property located at 1160 N Hayden Meadows Drive. Defendants D. Park and Hayden Meadows leased the real property located at 1160 N Hayden Meadows Drive to Defendant Lowe's.

13.

Upon information and belief, Defendants D. Park, Defendant Hayden Meadows, Defendant TMT, and the Cornerstone Defendants jointly managed and maintained certain real property owned by Defendant D. Park and Hayden Meadows, including the real property located at 1160 N Hayden Meadows Drive.

14.

On November 1, 2019, Defendants D. Park, Hayden Meadows, and TMT (collectively referred to as "TMT Defendants") hired the Cornerstone Defendants to provide and manage armed security for all real properties owned by Defendants D. Park and Hayden Meadows, including the real properties located on N Hayden Meadows Drive.

15.

Despite the Cornerstone Defendants holding themselves out as a security company providing exclusively armed security, the Cornerstone Defendants and the TMT Defendants failed to take even the most basic measures to ensure that Cornerstone employees were certified armed private security professionals as required by OAR 259-060-0120. Several Cornerstone individuals, including Defendant Logan Gimbel, the security guard that shot and killed Freddy Nelson, Jr., were not legally certified to carry any firearms much less open fire on an unarmed

1 man. The uncertified individuals and the Cornerstone Defendants intentionally or recklessly
2 violated the law.

3 16.

4 The Cornerstone Defendants fostered a work environment that recklessly glorified
5 violence, ignored de-escalation training, and instilled disregard for human life.

6 17.

7 The Cornerstone Defendants, individually and through their employees, engaged in
8 reckless, unreasonable and dangerous conduct on the real properties owned by Defendants D.
9 Park and Hayden Meadows.

10 18.

11 The Cornerstone Defendants hired Defendant Logan Gimbel to work as an armed
12 security professional on August 26, 2020.

13 19.

14 At the time he was hired by the Cornerstone Defendants, Defendant Gimbel held no valid
15 certification to work as an armed security professional.

16 20.

17 Defendant Gimbel never obtained certification to work as an armed security professional.
18 During the course of his employment, Defendant Gimbel knew or should have known that he
19 was not certified to work as an armed security professional in violation of OAR 259-060-0120.

20 21.

21 During the course of Defendant Gimbel's employment, the Cornerstone Defendants knew
22 or should have known that Defendant Gimbel was not certified to work as an armed security
23 professional. Despite this, the Cornerstone Defendants recklessly took no measures to verify
24

1 whether Defendant Gimbel was certified to work as an armed security professional or to ensure
2 compliance with OAR 259-060-0120.

3 22.

4 The TMT Defendants knew or should have known that the Cornerstone Defendants
5 provided armed security with unlicensed employees (including Defendant Gimbel) and caused
6 those same employees to glorify violence, ignore possibilities for conflict de-escalation, and
7 disregard human life.

8 23.

9 The TMT Defendants had actual knowledge of unreasonable or dangerous conduct by the
10 Cornerstone Defendants and their employees on the real properties owned by Defendants D. Park
11 and Hayden Meadows and took no action to stop such conduct. When informed of the
12 unreasonable and dangerous conduct, the TMT Defendants defended, encouraged, and ratified
13 the conduct.

14 24.

15 Defendant Lowe's knew or should have known of unreasonable, dangerous, and unlawful
16 conduct by the Cornerstone Defendants and the TMT Defendants and their employees on the real
17 properties they leased. Defendant Lowe's took no action to prevent such conduct. When
18 informed of the unreasonable and dangerous conduct, Defendant Lowe's acceded to the conduct.

19 25.

20 After a personal dispute between Freddy Nelson, Jr. and an agent of the TMT
21 Defendants, the TMT Defendants directed the Cornerstone Defendants to annoy, heckle, harass,
22 follow, and/or intimidate Freddy Nelson, Jr. and Plaintiff Kari Nelson whenever the Nelsons
23 passed through the real properties located on N Hayden Meadows Drive.

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26.

At the direction of the TMT Defendants, the Cornerstone Defendants issued a “Be on the lookout” order for Freddy Nelson, Jr. Pursuant to this order, employees of the Cornerstone Defendants did in fact annoy, heckle, harass, follow, and intimidate the Nelsons whenever they passed through the real properties located on N Hayden Meadows Drive.

27.

Employees of the Cornerstone Defendants annoyed, heckled, harassed, followed, and intimidated the Nelsons as described above for a period of approximately one year. During this time, employees of the Cornerstone Defendants did so in the course and scope of their employment and in vehicles owned and insured by the Cornerstone Defendants, including “the Cornerstone vehicle” described below.

28.

On the early afternoon of May 29, 2021, the Nelsons visited Defendant Lowe’s store located at 1160 N Hayden Meadows Drive to purchase items for a home improvement project. Freddy Nelson, Jr. parked his vehicle in Defendant Lowe’s parking lot near the Garden Center.

29.

On the early afternoon of May 29, 2021, the Nelsons were invitees on Defendant Lowe’s store premises located at 1160 N Hayden Meadows Drive.

30.

As Freddy Nelson, Jr. gathered his belongings, Defendant Gimbel parked a vehicle owned by the Cornerstone Defendants (“the Cornerstone vehicle”) perpendicular to the Nelson vehicle, partially blocking the Nelson vehicle from leaving its parking space.

1 31.

2 Defendant Gimbel approached Freddy Nelson, Jr. and informed him that he was under
3 arrest. Freddy Nelson, Jr. responded that Defendant Gimbel had no authority to arrest him.
4 Plaintiff Kari Nelson returned to the vehicle upon hearing the confrontation. The Nelsons then
5 entered their vehicle and locked the doors in hopes of avoiding Defendant Gimbel's aggression.

6 32.

7 Defendant Gimbel approached the driver side and attempted to open the driver's door to
8 the Nelson vehicle. Upon finding it locked, he proceeded to the rear driver's side of the Nelson
9 vehicle, forced a pepper spray cannister through the partially-opened back window, and assaulted
10 the Nelsons with pepper spray.

11 33.

12 As a result of the pepper spray, the Nelsons suffered disorientation; intense, searing pain
13 in the face, nose, and throat; difficulty breathing; and involuntary closing of the eyes.

14 34.

15 While the Nelsons suffered from the effects of pepper spray, Defendant Gimbel walked
16 in front of the Nelson vehicle. He raised the pistol he was not licensed to carry and instructed the
17 Nelsons not to move.

18 35.

19 Moments later, Defendant Gimbel fired four shots at Freddy Nelson, Jr. Three of the
20 shots struck Freddy Nelson, Jr. in the head and chest, killing him.
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36.

Plaintiff Kari Nelson, sitting beside Freddy Nelson in the passenger seat as he was murdered, suffered extreme fright, shock, and fear of imminent death or grievous bodily injury as a result of the actions of Defendant Gimbel.

37.

While her eyes were still burning due to the effects of the pepper spray, Plaintiff Kari Nelson attempted to offer aid to her husband until he died.

FIRST CLAIM FOR RELIEF

(Negligence and Wrongful Death – Estate of Freddy Nelson, Jr. against the TMT Defendants)

38.

Plaintiffs reallege all paragraphs above.

39.

Freddy Nelson, Jr.'s injury and death were caused by the TMT Defendants in one or more of the following particulars:

a) In directing the Cornerstone Defendants to annoy, heckle, harass, follow, and/or intimidate Plaintiffs when they knew or should have known that the Cornerstone Defendants could not do so safely or lawfully.

b) In failing to exercise reasonable care to maintain a reasonably safe property, free of violent crime;

c) In failing to exercise reasonable care to protect Nelson from violence by other visitors, trespassers, and security guards at the complex, including gun violence;

1 d) In failing to provide an appropriate level of security, including the failure to staff
2 the premises solely with security guards (directly or through security providers) who were
3 certified for the type of work they provided; and

4 e) By violating their affirmative duty to protect business invitees from foreseeable
5 harm, or to come to the aid of business invitees in the face of ongoing harm or medical
6 emergency; and

7 40.

8 As a direct, proximate, and foreseeable result of the TMT Defendant's negligence,
9 Freddy Nelson, Jr. was a victim of violence and gunshot injuries and died.

10 41.

11 Plaintiffs reserve the right to amend this complaint to add punitive damages against
12 Defendants TMT and D. Park pursuant to ORS 31.725.

13 **SECOND CLAIM FOR RELIEF**

14 **(Negligence and Wrongful Death – Estate of Freddy Nelson, Jr. against Defendant Lowe's)**

15 42.

16 Plaintiffs reallege all paragraphs above.

17 43.

18 Plaintiffs injuries and death were caused by Defendant Lowe's in one or more of the
19 following particulars:

20 a) In allowing the Cornerstone Defendants to annoy, heckle, harass, follow, and/or
21 intimidate Plaintiffs on their property when they knew or should have known that the
22 Cornerstone Defendants could not do so safely or lawfully;

- 1 a) In negligently, recklessly, and/or wantonly hiring Defendant Gimbel when they knew
2 or should have known that Defendant Gimbel was not fit to work as an armed
3 security professional;
- 4 b) In negligently, recklessly, and/or wantonly retaining Defendant Gimbel as an
5 employee when they knew or should have known that Defendant Gimbel was not fit
6 to work as an armed security professional;
- 7 c) In negligently, recklessly, and/or wantonly training Defendant Gimbel in a way that,
8 *inter alia*, encouraged the use of violence and failed to include any meaningful de-
9 escalation training as an armed security professional;
- 10 d) In negligently, recklessly, and/or wantonly supervising Defendant Gimbel such that
11 he did not perform his duties as an armed security professional in a safe manner.
- 12 e) In negligently, recklessly, and/or wantonly failing to exercise reasonable care to
13 maintain a reasonably safe property free of violent crime;
- 14 f) In negligently, recklessly, and/or wantonly failing to comply with each and every law
15 and regulation governing private security companies and security professionals;
- 16 g) In negligently, recklessly, and/or wantonly failing to exercise reasonable care to
17 protect Freddy Nelson, Jr. from violence by other visitors, trespassers, and security
18 professionals at the complex, including gun violence;
- 19 h) In negligently, recklessly, and/or wantonly failing to provide an appropriate level of
20 security, including the failure to staff the premises solely with security guards who
21 were certified for the type of work they provided; and
22
23
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1 i) By negligently, recklessly, and/or wantonly violating their affirmative duty as real
2 estate managers to protect business invitees from foreseeable harm, or to come to the
3 aid of business invitees in the face of ongoing harm or medical emergency.

4 48.

5 As a direct, proximate, and foreseeable result of the Cornerstone Defendants' negligence,
6 Freddy Nelson, Jr. sustained gunshot injuries and died.

7 49.

8 The Cornerstone Defendants acted with a reckless and outrageous indifference to a highly
9 unreasonable risk of harm and a conscious indifference to the health, safety, and welfare of
10 others, including Plaintiffs, in hiring, retaining, training and supervising their employees.

11 50.

12 As a further result of The Cornerstone Defendants' conduct, Plaintiffs are entitled to
13 collect punitive damages in an amount not to exceed \$30,000,000.

14 **FOURTH CLAIM FOR RELIEF**

15 **(Negligence and Wrongful Death – Estate of Freddy Nelson, Jr. against Defendants Logan
16 Gimbel & The Cornerstone Defendants)**

17 51.

18 Plaintiffs reallege all paragraphs above.

19 52.

20 The shooting and Freddy Nelson, Jr.'s death were caused by Defendant Gimbel in one or
21 more of the following particulars:

22 a) In negligently, recklessly, and/or wantonly failing to exercise reasonable care to
23 maintain a reasonably safe property, free of violent crime, and to refrain from
24 committing acts of violence himself;

1 55.

2 Defendant Gimbel acted with a reckless and outrageous indifference to a highly
3 unreasonable risk of harm and a conscious indifference to the health, safety, and welfare of
4 others, including Plaintiffs, in failing to effectively provide private security services.

5 56.

6 As a result of Defendant Gimbel's conduct, Plaintiffs are entitled to collect punitive
7 damages in an amount not to exceed \$30,000,000.

8 **FIFTH CLAIM FOR RELIEF**

9 **(Negligence Per Se – The Cornerstone Defendants)**

10 57.

11 Plaintiffs reallege all paragraphs above.

12 58.

13 The Cornerstone Defendants violated numerous statutes, regulations, and codes including
14 but not limited to:

- 15 (a) Providing private security services without valid certification in violation of
16 OAR 259-060-0450(2)(a);
- 17 (b) Failing to submit properly completed forms or documentation in the time frame
18 designated by the Department of Public Safety Standards and Training in violation of
19 OAR 259-060-0450(2)(b);
- 20 (c) Employing private security professionals who had not completed the required training
21 and application process in violation of OAR 259-060-0450(2)(i); and
- 22 (d) Assigning a person to perform private security services when that person was not
23 properly certified to do so in violation of ORS 181A.850(1)(d).
- 24

1 59.

2 Plaintiffs were members of the class of persons intended to be protected by the
3 aforementioned Oregon statutes and Oregon administrative rules, and the injuries suffered by
4 Plaintiffs were of the kind that these statutes and rules were intended to prevent. By virtue of the
5 Cornerstone Defendants' violations of these statutes and rules, the Cornerstone Defendants were
6 negligent *per se* with respect to the injuries suffered by Plaintiffs.

7 60.

8 As a result of the Cornerstone Defendants' violations of these statutes and rules, Plaintiffs
9 sustained damages as alleged in this Complaint.

10 **SIXTH CLAIM FOR RELIEF**

11 **(Negligence Per Se – Defendant Gimbel)**

12 61.

13 Plaintiffs reallege all paragraphs above.

14 62.

15 Defendant Gimbel violated numerous statutes, regulations, and codes including but not
16 limited to:

17 (a) Providing private security services without valid certification in violation of

18 OAR 259-060-0450(2)(a);

19 (b) Failing to submit properly completed forms or documentation in the time frame

20 designated by the Department of Public Safety Standards and Training in violation of

21 OAR 259-060-0450(2)(b);

22 (c) Performing a service as a private security professional without proper certification in

23 violation of ORS 181A.850(1)(b);

- 1 (d) Failing to satisfactorily complete training requirements approved by the Board on
2 Public Safety Standards and Training in violation of ORS 181A.855(1)(b);
3 (e) Attempting to use a deadly weapon unlawfully against another person in violation of
4 ORS 166.220(1)(a); and
5 (f) Recklessly discharging tear gas or mace against another person in violation of
6 ORS 163.212.

7 63.

8 Plaintiffs were members of the class of persons intended to be protected by the
9 aforementioned Oregon statutes and Oregon administrative rules, and the injuries suffered by
10 Plaintiffs were of the kind that these statutes and rules were intended to prevent. By virtue of
11 Defendant Gimbel's violations of these statutes and rules, Defendant Gimbel was negligent *per*
12 *se* with respect to the injuries suffered by Plaintiffs.

13 64.

14 As a result of Defendant Logan Gimbel's violations of these statutes and rules, Plaintiffs
15 sustained damages as alleged in this Complaint.

16
17 **SEVENTH CLAIM FOR RELIEF**

18 **(False Arrest / Imprisonment – Defendant Gimbel & The Cornerstone Defendants)**

19 65.

20 Plaintiffs reallege all paragraphs above.

21 66.

22 Defendant Gimbel confined Plaintiffs by parking the Cornerstone vehicle in front of the
23 Nelson vehicle.

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67.

Defendant Gimbel intended to park the Cornerstone vehicle in front of the Nelson vehicle.

68.

Defendant Gimbel negligently failed to move the Cornerstone vehicle before exiting the vehicle, confronting Freddy Nelson, pepper spraying the Nelsons, or discharging his firearm. Defendant Gimbel's negligent failure to move the Cornerstone vehicle continued to confine the Nelsons.

69.

The Nelsons were aware of their confinement by the Cornerstone vehicle.

70.

While Defendant Gimbel confined the Nelsons and told Freddy Nelson he was under arrest, he had no lawful basis to confine the Nelsons.

71.

The Cornerstone Defendants, as principal and/or employer, are vicariously liable under the doctrine of *respondeat superior* for the acts and omissions of their employees. As such, the Cornerstone Defendants are liable for all resulting injuries and damages, including any punitive damages, to Plaintiffs as set forth more particularly below.

72.

As a direct, proximate, and foreseeable result of the conduct of Defendant Gimbel, Plaintiffs suffered damages as alleged in this complaint.

1 **EIGHTH CLAIM FOR RELIEF**

2 **(Negligent Infliction of Emotional Distress – Plaintiff Kari Nelson against all Defendants)**

3 73.

4 Plaintiff Kari Nelson realleges all paragraphs above.

5 74.

6 The pattern of harassment and intimidation suffered by Plaintiff Kari Nelson deprived her
7 of her privacy.

8 75.

9 The negligent acts of Defendant Gimbel deprived Plaintiff Kari Nelson of her right to be
10 free from unlawful imprisonment.

11 76.

12 The negligent acts of Defendant Gimbel deprived Plaintiff Kari Nelson of her right to
13 avoid being a witness to the negligently-caused traumatic injury and death of a close family
14 member.

15 77.

16 The negligent acts of Defendant Gimbel as described above confined Plaintiff Kari
17 Nelson to the Nelson vehicle.

18 78.

19 Plaintiff Kari Nelson contemporaneously observed the killing of decedent Freddy Nelson,
20 Jr.

21 79.

22 Plaintiff Kari Nelson is a close family member of decedent Freddy Nelson, Jr.
23
24

1 80.

2 The Cornerstone Defendants, as principal and/or employer, are vicariously liable under
3 the doctrine of *respondeat superior* for the acts and omissions of their employees. As such, the
4 Cornerstone Defendants are liable for all resulting injuries and damages, including any punitive
5 damages, to Plaintiff Kari Nelson as set forth more particularly below.

6 81.

7 As a direct, proximate, and foreseeable result of the acts of each Defendant as alleged
8 above, Plaintiff Kari Nelson suffered serious emotional harm as a result of being annoyed,
9 heckled, harassed, followed, and intimidated.

10 82.

11 As a direct, proximate, and foreseeable result of the acts of each Defendant as alleged
12 above, Plaintiff Kari Nelson suffered serious emotional harm severe from witnessing the pepper
13 spraying and shooting death of her husband.

14 83.

15 As a direct, proximate, and foreseeable result of the acts of Defendant Logan Gimbel in
16 blocking in her vehicle, threatening decedent Freddy Nelson with arrest, and refusing to allow
17 the Nelsons to leave the property, and brandishing his firearm, Plaintiff Kari Nelson suffered
18 serious emotional harm.

19 **NINTH CLAIM FOR RELIEF**

20 **(Negligent Infliction of Emotional Distress – Estate of Freddy Nelson, Jr. against all**
21 **Defendants)**

22 84.

23 Plaintiff Estate of Freddy Nelson, Jr. realleges all paragraphs above.

1 85.

2 The Cornerstone Defendants, as principal and/or employer, are vicariously liable under
3 the doctrine of *respondet superior* for the acts and omissions of their employees. As such, the
4 Cornerstone Defendants are liable for all resulting injuries and damages, including any punitive
5 damages, to Plaintiff Estate of Freddy Nelson, Jr. as set forth more particularly below.

6 86.

7 The pattern of harassment and intimidation suffered by decedent Freddy Nelson, Jr.
8 deprived him of his privacy.

9 87.

10 The actions of Defendant Gimbel deprived decedent Freddy Nelson, Jr. of his right to be
11 free from false imprisonment.

12 88.

13 The negligent acts of Defendant Gimbel as described above confined decedent Freddy
14 Nelson, Jr. to the Nelson vehicle.

15 89.

16 As a direct, proximate, and foreseeable result of the acts of each Defendant as alleged
17 above, decedent Freddy Nelson suffered serious emotional harm as a result of being annoyed,
18 heckled, harassed, followed, and intimidated.

19 90.

20 As a direct, proximate, and foreseeable result of the acts of Defendant Logan Gimbel in
21 blocking in his vehicle, threatening him with arrest, refusing to allow the Nelsons to leave the
22 property, and brandishing his firearm, decedent Freddy Nelson suffered serious emotional harm.

1 **TENTH CLAIM FOR RELIEF**

2 **(Negligence and Personal Injury – Plaintiff Kari Nelson against all Defendants)**

3 91.

4 Plaintiff Kari Nelson realleges all paragraphs above.

5 92.

6 As a direct, proximate, and foreseeable result of Defendants’ negligence, Kari Nelson
7 suffered disorientation; intense, searing pain in the face, nose, and throat; difficulty breathing;
8 and involuntary closing of the eyes from pepper spray.

9 93.

10 Plaintiff Kari Nelson reserves the right to amend this complaint to add punitive damages
11 against Defendants.

12 **DAMAGES**

13 94.

14 Plaintiff Kiono Nelson as Personal Representative for the Estate of Freddy Nelson, Jr.
15 sustained noneconomic damages for Freddy Nelson, Jr.’s pain and suffering and the loss of
16 companionship to his family in an amount that a jury determines is fair, but not to exceed
17 \$45,000,000.

18 95.

19 Plaintiff Kari Nelson sustained noneconomic damages for her pain, mental suffering, and
20 severe and traumatic emotional distress from the harassment and intimidation she suffered and
21 from witnessing the pepper spraying and shooting death of her husband, Freddy Nelson, Jr., in an
22 amount that a jury determines is fair, but not to exceed \$45,000,000.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs pray for judgment as follows:

3 On behalf of Plaintiff Kiono Nelson as Personal Representative for the Estate of Freddy
4 Nelson, Jr.:

- 5 a. For noneconomic losses in the amount of \$45,000,000;
- 6 b. For costs and disbursements incurred herein;
- 7 c. For interest according to law;
- 8 d. For such other relief as the court deems just.

9 On behalf of Plaintiff Kari Nelson:

- 10 a. For noneconomic losses in the amount of \$45,000,000;
- 11 b. For costs and disbursements incurred herein;
- 12 c. For interest according to law;
- 13 d. For such other relief as the court deems just.

14 On behalf of Plaintiff Kiono Nelson as Personal Representative for the Estate of Freddy
15 Nelson, Jr. and Plaintiff Kari Nelson:

- 16 a. Punitive damages against the Cornerstone Defendants in an amount to be determined by
17 the jury, not to exceed \$30,000,000; and
- 18 b. Punitive damages against Defendant Gimbel in an amount to be determined by the jury,
19 not to exceed \$30,000,000.

20 DATED this 5th day of July, 2023.

21 D'AMORE LAW GROUP, P.C.

22 By: s/Thomas D'Amore
 23 Thomas D'Amore, OSB No. 922735
 24 Email: tom@damorelaw.com
 Ben Turner, OSB No. 144503

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Email: ben@damorelaw.com
Amy Bruning, OSB No. 175811
Email: amy@damorelaw.com
4230 Galewood Street, Suite 200
Lake Oswego, OR 97035
Telephone: (503) 222-6333

Attorneys for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the below date, I served a true and correct copy of the foregoing

3 *Second Amended Complaint* on the following in the manner(s) described below:

4 Carey Caldwell
Email: cpc@hartwagner.com
5 Joe R. Traylor
Email: JRT@hartwagner.com
6 Hart Wagner LLP
1000 SW Broadway
7 20th Floor
Portland, OR 97205

- Odyssey File and Serve
- Email
- First Class Mail
- Facsimile
- Hand Delivery

8 *Of Attorneys for Defendants TMT Development Co.,
9 LLC and D. Park*

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16 *Of Attorneys for Defendant Cornerstone Security Group*

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19 Portland, OR 97223

- Odyssey File and Serve
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- First Class Mail
- Facsimile
- Hand Delivery

20 *Of Attorneys for Defendant Logan Gimbel*

21
22
23 DATED this 5th day of July, 2023.

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D'AMORE LAW GROUP, P.C.

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