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**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

LESLIE WILSON, as personal
representative for the Estate of
CHRISTOPHER WILSON, JR.,

Plaintiff,

vs.

STATE OF WASHINGTON; STATE OF
WASHINGTON, DEPARTMENT OF
SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF CHILDREN, YOUTH
AND FAMILY SERVICES, JUVENILE
REHABILITATION ADMINISTRATION,
governmental entities; SAFEWAY INC., a
for-profit corporation doing business in the
State of Washington; KING & YEE, LLC, a
for-profit limited liability corporation;
KING G. LEE, LLC, a for-profit limited
liability corporation; KING G. YEE and
JANE DOE YEE, individually and as
husband and wife and the marital
community thereof; BRENDAN NGUYEN
INVESTMENTS, LLC,
d/b/a/WASHINGTON ONE HOUR
CLEANERS, a Washington for-profit
limited liability corporation; AZG
CAPITAL, LLC, d/b/a RAINIER BEACH
LIQUOR & WINE, a Washington for-profit
limited liability corporation; JOHN AND
JANE DOES 1-5, individuals or entities,

Defendants.

NO. 23-2-04451-7 SEA

**FIRST AMENDED COMPLAINT
FOR DAMAGES**

Demand for Jury Trial

1 COMES NOW Plaintiff Leslie Wilson, through their attorneys Darrell L. Cochran and
2 Kevin M. Hastings of Pfau, Cochran, Vertetis & Amala, PLLC, and Talis Abolins of the Maglio
3 Christopher & Toale Law Firm, by way of claim, and alleges as follows:
4

5 I. PARTIES

6 1. Plaintiff Leslie Wilson. Plaintiff Leslie Wilson is the duly appointed personal
7 representative for the Estate of Christopher Wilson pursuant to a court order dated August 10,
8 2020, and amended on October 12, 2020. The orders are appended to this complaint as **Exhibit**
9 **A.** Plaintiff Wilson in her capacity as the duly appointed personal representative brings this
10 lawsuit on behalf of the Estate of Christopher Wilson, who was shot and killed in a Safeway
11 Parking lot in Rainier Valley on May 23, 2020, and his beneficiaries. Plaintiff Leslie Wilson
12 currently resides in Federal Way, King County, Washington.

13 2. Defendant State of Washington. Defendant State of Washington, Department
14 of Social and Health Services (DSHS), Department of Children, Youth and Family Services
15 (DCFS), and Juvenile Rehabilitation Administration (“JRA”) (collectively, the “State”) are or
16 were the State of Washington agencies and sub-agencies charged with controlling Tayjuan
17 “Baby Tate” Fletcher arising out of a “take charge” relationship.

18 3. Defendant Safeway. Defendant Safeway is a for-profit foreign corporation that
19 is registered to conduct business in the State of Washington under UBI # 600 643 518. At all
20 times material hereto, and upon information and belief, Defendant Safeway owned and operated
21 the brick-and-mortar Safeway store and parking lot located at 9262 Rainier Avenue S., Seattle,
22 WA 98118, and it controlled and was responsible for the safety of the parking lot.

23 4. Defendant King & Yee, LLC. Defendant King & Yee is a for-profit limited
24 liability company registered to conduct business in the State of Washington under UBI # 602
25 212 805. At all times material hereto, and upon information and belief, Defendant King & Yee
26

1 owned and operated the shopping center and parking lot located at 9262 Rainier Avenue S.,
2 Seattle, WA 98118, and it controlled and was responsible for the safety of the parking lot.

3 5. Defendant King G. Lee, LLC. Defendant King G. Lee is a for-profit limited
4 liability company that is listed in property records as the owner of the shopping center located
5 at 9262 Rainier Avenue S., Seattle, WA 98118. Defendant King G. Lee is not registered to
6 conduct business in Washington, and it does not list a registered agent. At all times material
7 hereto, and upon information and belief, Defendant King G. Lee owned and operated the
8 shopping center and parking lot located at 9262 Rainier Avenue S., Seattle, WA 98118, and
9 and it controlled and was responsible for the safety of the parking lot.

10 6. Defendant King G. Yee and Jane Doe Yee. Defendants King G. Yee and Jane
11 Doe Yee are a married couple who reside at 4855 Highland Drive, Bellevue, Washington. At
12 all times material hereto, and upon information and belief, Defendant King G. Yee and Jane
13 Doe Yee owned and operated the shopping center and parking lot located at 9262 Rainier
14 Avenue S., Seattle, WA 98118, and they controlled and were responsible for the safety of the
15 parking lot.

16 7. Defendant Brendan Nguyen Investments, LLC, d/b/a Washington One Hour
17 Cleaners. Defendant Brendan Nguyen Investments is a for-profit limited liability company that
18 does business as Washington One Hour Cleaners in the shopping center and parking lot located
19 at 9262 Rainier Avenue S., Seattle, WA 98118. Defendant Brendan Nguyen Investments is
20 registered to conduct business in Washington State under UBI # 603 386 691. At all times
21 material hereto, and upon information and belief, Defendant Brendan Nguyen Investments
22 owned and operated the shopping center and parking lot located at 9262 Rainier Avenue S.,
23 Seattle, WA 98118, and it controlled and was responsible for the safety of the parking lot.

24 8. Defendant AZG Capital d/b/a Rainier Beach Liquor & Wine. Defendant AZG
25 Capital is a for-profit limited liability company that does business as Rainier Beach Liquor &
26 Wine in the shopping center and parking lot located 9262 Rainier Avenue S., Seattle, WA

1 98118. Defendant AZG Capital is registered to conduct business in the State of Washington
2 under UBI # 603 156 904. At all times material hereto, and upon information and belief,
3 Defendant AZG Capital owned and operated the shopping center and parking lot located at
4 9262 Rainier Avenue S., Seattle, WA 98118, and it controlled and was responsible for the safety
5 of the parking lot.

6 9. Defendant John/Jane Doe 1-5. At all relevant times, Defendant John/Jane Doe
7 1-5 are and were individuals and/or entities who owed the plaintiff a duty of care to protect him
8 from harm but failed to do so, including but not limited to agents of the State who failed to
9 control Tayjuan Trevion “Babie Tate” Fletcher, or other individuals and/or entities that were
10 responsible for ensuring the parking lot at the 9200 block of Rainier Avenue S. was safe for
11 invitees. This lawsuit utilizes generic aliases to name these Defendants because their exact
12 identities are currently unknown to the plaintiff. The purpose of this paragraph, as well as the
13 entirety of this Complaint, is to put Defendants John/Jane Doe 1-5 on notice that they are named
14 as defendants in this lawsuit.

15 II. JURISDICTION AND VENUE

16 10. Tort Claim. Sixty days have elapsed since the State received a standard tort
17 claim.

18 11. Jurisdiction. Pursuant to article IV, section 6 of the Washington State
19 Constitution, this Court has universal original subject matter jurisdiction over this lawsuit. This
20 Court also has jurisdiction over Defendant and this lawsuit pursuant to RCW 2.08.010.

21 12. Venue. Pursuant to RCW 4.12.020, venue in this Court is proper because the
22 causes of action asserted herein arose in King County, Washington.

1 **III. FACTUAL ALLEGATIONS**

2 **A. General Background and Facts Pertaining to Defendants Safeway; King & Yee,**
3 **LLC; King G. Lee, LLC; King G. Yee and Jane Doe Yee; Brendan Nguyen**
4 **Investments, LLC; and AZG Capital (collectively, “Corporate Defendants”)**

5 13. On May 23, 2020, Christopher Wilson, Jr., was a business invitee at the Safeway
6 parking lot in the 9200 block of Rainier Avenue South.

7 14. Nearby, a dangerous criminal named Tayjuan “Baby Tate” Fletcher was in the
8 midst of a gang-related dispute when he fired 12 rounds of a .45-calibur handgun.

9 15. Wilson was shot and killed by a bullet from Tayjuan “Baby Tate” Fletcher’s
10 gun.

11 16. Wilson was an innocent bystander, not the target of the shooting.

12 17. The Safeway at the 9200 block of Rainier Avenue South was important to many
13 in the surrounding Rainier Beach community. At all times relevant, this Safeway was one of
14 the only neighborhood grocery stores within miles of the surrounding residential community to
15 patronize.

16 18. Unfortunately, violence and gun shootings were not new to the Safeway parking
17 lot in the 9200 block of Rainier Avenue South. Scores of crimes, including assault, shootings,
18 murders, prowls, robberies, theft, and intoxication had occurred in the parking lot over the years
19 before May 2020.

20 19. For instance, on December 29, 2018, the Seattle Police Department documented
21 that the area around the Safeway parking lot and associated liquor store “continues to attract
22 and promote criminal activity”. The police documented that the owners and/or managers of
23 both the Safeway and liquor store were aware of the criminal activity.

24 20. On March 13, 2019, Seattle Fire Department Lt. Gregg Roulst shared his
25 increasing concern with active drug dealing and liquor violations on the premises, creating a
26 “chaotic atmosphere making the surrounding shopping complex unsafe.” His concerns were
echoed by Seattle Fire Department management.

1 21. On May 5, 2019, two groups of young males, including teens, entered the liquor
2 store, got into a fist fight, and then began shooting. Multiple victims suffered gunshot wounds
3 while in the liquor store premises.

4 22. On or about December 29, 2019, a shooting occurred during a candlelight vigil
5 in the parking lot. The vigil was for a male murdered two days prior. Seattle Police Department
6 officers witnessed a shootout, with a crowd of people dispersing in every direction and vehicles
7 fleeing the scene. At least two vehicles had apparent bullet damage from the shootout.

8 23. On January 23, 2020, Erin Goodman of the South Precinct Advisory Council
9 shared the concerns of community members that the parking lot near the liquor store was not
10 safe. In a letter to the Liquor Control Board, Ms. Goodman documented that “[t]he store is a
11 magnet for negative activities including, fights, aggressive panhandling, shootings and
12 harassment. The owners and managers of the store do not take appropriate action to mitigate
13 these issues with their clientele and there have been several issues that have occurred within the
14 store itself. Their failure to operate the business in a responsible manner in accordance with
15 the law and LCB policy puts the entire neighborhood at risk, and negatively impacts residents
16 who must enter the area to buy groceries.”

17 24. On January 30, 2020, the Seattle Police Department formally identified the area
18 surrounding the liquor store as host to a history of public safety issues constituting “Chronic
19 Illegal Activity” under RCW 66.24.010(12), including a pervasive pattern of illegal activity
20 dating back to 2015. The Seattle Police Department report detailed that in recent years “the
21 community safety risk at Rainier has become especially concerning, both in volume and
22 nature,” with 89 dispatch events in 2019 that included “multiple shootings, numerous assaults
23 and fights, numerous liquor violations, at least one DUI, at least one sex offense, and various
24 other miscellaneous disturbances.”

1 25. On May 4, 2020, the assistant manager of an adjacent business reported that
2 chronic problems in the vicinity of the liquor store were persisting, and that in the evening hours
3 “bullets are flying and they are concerned for the safety of their employees and customers.”

4 26. On May 22, 2020, a liquor control officer provided a written booklet to the liquor
5 store setting forth warnings and responsibilities related to avoiding escalations in criminal
6 activities and violence:

- 7 • “[I]f small problems are not addressed, problem customers learn that the behavior is
8 allowed and larger problems may follow: intimidation, assault, prostitution, drug
9 dealing, selling liquor to minors and related activity that can destroy a neighborhood’s
10 stability.”
- 11 • “Consider hiring, or increasing, private security. Although private security can be
12 expensive, if the situation has reached crisis proportions, it may be one of the least
13 costly ways to begin saving the business. Depending on the size of the establishment
14 and the severity of the problem, the investment might range from having an extra
15 employee come in a few hours a night to hiring additional professional, uniformed
16 security officers.”
- 17 • “The best – and most expensive – choice is to hire a uniformed security service. It is
18 your best bet for getting pre-screened, dependable people who have received
19 professional training. Some security companies can provide additional support, with
20 backup cars and other services, in cases of emergency.”

21 27. On May 23, 2020, Tayjuan Fletcher was a young man with a troubled and violent
22 past. Years before, Fletcher’s family expressed concern to state officials that Fletcher might
23 return to “the Rainier Beach area” and resume his encounters with other gang associates.

24 28. On May 23, 2020, Tayjuan Fletcher arrived at the Rainier Beach Safeway
25 parking lot, where he encountered a known gang leader who was socializing with others who
26

1 had been drawn to the scene. An argument ensued, and Fletcher began shooting. His stray
2 bullets killed Christopher Wilson.

3 29. The Corporate Defendants each and all knew about the danger of shootings at
4 their parking lot located at the 9200 block of Rainier Avenue and knew that the shootings posed
5 a substantial risk of harm to bystanders patronizing the lot for business purposes.

6 30. The Corporate Defendants affirmatively fostered and supported the creation and
7 maintenance of the dangerous environment on their premises, by serving and profiting from the
8 sale of alcohol and other products to those contributing to the pattern of loitering and illegal
9 activity.

10 31. Despite the shootings, injuries to customers, death, and a lack of other
11 meaningful grocer opportunities for members of the community it served, the Corporate
12 Defendants did nothing to make its parking lot at the 9200 block of Rainer Avenue South safer
13 for those using the parking lot as invitees.

14 32. The Corporate Defendants failed to implement any security protocols, and any
15 security they did implement was wholly insufficient.

16 33. With a wholesale lack of security to protect business invitees, the Corporate
17 Defendants exacerbated the problem of third-party criminal activity in the parking lot at the
18 9200 block of Rainer Avenue South by supplying liquor and knowingly permitting other vice
19 to occur.

20 **B. Facts Pertaining to the State of Washington.**

21 34. By the time he shot and killed Christopher Wilson, Fletcher had accumulated an
22 extensive record of criminal activity, including dangerous and violent felonies: Custodial
23 Assaults (Lewis County 19-8-00059-7); Unlawful Possession of a Firearm (King County 18-8-
24 00695-5); Escape (King County 18-8-00052-3); Assaults (King County 17-8- 00985-9 and 17-
25 8-00639-6); Unlawful Possession of a Firearm (King County 15-8-00907-1); and Theft (King
26

1 County 15-8-00907-1, with a firearm charge). His misdemeanor history was also extensive,
2 with numerous assaults as well. At all relevant times, he was under custodial control of JRA
3 due to his status as a dangerous felon and parolee.

4 35. As a result of these criminal activities, the State developed a special take charge
5 relationship with Fletcher and assumed a duty to protect Fletcher and the public from his
6 obvious and foreseeable dangerousness. Fletcher's dangerous propensities were clearly
7 established through an ever-increasing record of crimes, violent and threatening behaviors,
8 gang activities, unmanaged mental health conditions, manipulative and evasive behaviors, and
9 escapes. Even within JRA's institutional settings, the State officials and agents became
10 frustrated, overwhelmed, and victimized. He was volatile and unpredictable; he assaulted
11 counselors and staff with urine and physical violence; he committed custodial assaults; he was
12 regularly assessed as "high risk."

13 36. Attempts to transition Fletcher back to the community under Intensive Firearm
14 Parole invariably failed. The State repeatedly failed to provide Fletcher and his family with
15 critical resources needed (and requested) for success, including the mental health support that
16 Fletcher obviously required. The State knew or should have known that Fletcher's grandparents
17 (Shirley and Phillip Williams) would require extensive support and resources for his residential
18 placement to be acceptable. In addition, Fletcher first needed to stabilize through the structure,
19 intensive treatment, training, and supervision that could only be provided within an institutional
20 setting. See King County Cause 15-8-00907-1, and Order on Disposition (April 7, 2016).

21 37. During a 2017 placement with the grandparents, the State's Family Integrated
22 Transitions (FIT) program documented that the Williams family was stressed out and tired.
23 Fletcher was missing appointments, breaking items, stealing, showing disrespect, becoming
24 easily agitated, failing to take medications, and lacking impulse control. Shortly thereafter, the
25 grandmother reported that Fletcher struck her with a skillet as she tried to protect her
26 granddaughter; she wanted him removed from the home. Fletcher threatened to shoot his

1 girlfriend and assaulted his grandfather, inflicting serious injuries. The police found a gun.
2 Fletcher's grandmother asked that Fletcher receive inpatient treatment and be held accountable;
3 she asked that Fletcher be told that "although he is not welcome back at their home, they still
4 love him".

5 38. To the dismay of JRA's staff, Fletcher was returned to State custody on a
6 mandatory firearm revocation. While in JRA custody, Fletcher's violence continued. Fletcher
7 assaulted staff members and sent another juvenile to the hospital. He received additional
8 criminal charges. In October of 2017, Fletcher escaped from an inpatient treatment facility.
9 This resulted in an additional criminal charge. On November 2, 2017, Fletcher assaulted the
10 mother of his infant daughter, sending her to the hospital. On January 4, 2018, he threatened
11 to shoot a loss prevention officer at a Federal Way Target, while shoplifting liquor. On January
12 7, 2018, Fletcher pulled a gun on his cousin and threatened to shoot her. On January 19, 2018,
13 Fletcher was involved in a drive by shooting.

14 39. Fletcher's crime spree finally ended on February 2, 2018, when he was arrested.
15 On March 13, 2018, the King County Superior Court received a JRA Commitment
16 Dispositional Report. The report included an update to Fletcher's family and guardian history
17 and confirmed the grandmother's position that "Tayjuan can't ever live with them again and
18 they don't want him in the community right now." Fletcher's grandmother was grateful that
19 Fletcher was off the streets and expressed hope that he would get the mental health treatment
20 he needed through a long-term stay in state custody. The grandparents reported they were
21 getting older and not able to continue caring for Fletcher: "Mrs. Williams stated repeatedly that
22 JRA is not a viable option for her grandson. She stated she believes he needs mental health
23 treatment instead of being locked up in a facility."

24 40. On March 16, 2018, Fletcher was returned to JRA custody. Before his transfer
25 from the County, Fletcher had destroyed a classroom, spit in the face of a staff member, flooded
26 his dorm, and threatened to shoot staff members and their children. While in JRA custody, the

1 State documented Fletcher’s struggles to cope, including: feelings that it was “impossible” for
2 him not to associate with gang activities in the community; difficulties in medication
3 management and mental health treatment; fear and paranoia; inability to distinguish fact from
4 fiction; multiple calls to CPS; reports of seizures and panic attacks; struggles with peers due to
5 impulsive aggression; fights; and ongoing assessments of “high” risk levels. On August 9,
6 2018, Fletcher assaulted Green Hill staff member Matt Ramirez. By September 9, 2018, JRA
7 staff were “totally burned out dealing with Tayjuan Fletcher,” and looking for alternatives to
8 “taking him down on a daily basis.”

9 41. On October 31, 2018, while out of the Pierce County Superior Court, Fletcher
10 issued a written request for help, including a request to be evaluated for involuntary treatment.
11 He reported ruminations about shootings and death, “demons inside of me,” and trances about
12 violent behaviors: “I can’t get trauma treatment in JRA. I want to live a good life with no more
13 trauma from the streets. I will most likely die within 6 months after my Green Hill release.”
14 The State continued to document Fletcher’s inability to respond to behavior modification
15 techniques or medication management, and the need for a neurological examination to better
16 understand what was going on. Fletcher’s difficulties continued, with medication
17 noncompliance, panic attacks, mental crises, violent behaviors, and gang talk.

18 42. On April 15, 2019, and May 7, 2019, Fletcher assaulted officers Daniel Cosser
19 and Jonatan Isaacson at the Green Hill School. This led to charges of custodial assault under
20 Lewis County Superior Court, Cause No. 19-8-00059-21 and 19-8-00065-21. During his
21 transfer to related court hearings, he was ordered to be in physical restraints based on the court’s
22 finding that there were “no less restrictive alternatives to restraints that will prevent flight or
23 physical harm ...” Fletcher pleaded guilty assault and was returned to JRA custody to remain
24 under State custody or supervision through July of 2020. In the months before his next release,
25 Fletcher was assessed as being “very high” risk, was depressed and experiencing flashbacks,
26 reported worries about life after leaving Green Hill, spit on his caseworker, tried to hang himself

1 with an ethernet cord, reported that he “wants to kill himself” and has “nothing to live for,” and
2 stated, “it is time to go to hell.” On January 29, 2020, Daniel Seidel and Matthew Marinovich
3 were surprised to learn that it was time for Fletcher to go back to reside with his grandparents.

4 43. On January 31, 2020, the State released Fletcher to intensive Firearm Parole
5 supervision, with the obligation for no less than weekly contact with JRCC Marinovich.
6 Fletcher’s residential placement was, once again, with his grandparents. The State knew or
7 should have known that this plan had no credible chance of success. The State was in effect
8 releasing an explosive Fletcher to the streets with a defiant, destructive, and deteriorating state
9 of mind. Fletcher’s dangerousness was enhanced by untreated serious mental illnesses,
10 substance abuse disorder, and related crises. Fletcher’s dangerousness was further enhanced
11 by the State’s failure to place him in a safe or structured residential environment, capable of
12 providing the support and monitoring needed for community safety. The State knew and should
13 have known that Fletcher was being released to the community under conditions where his high
14 propensity for violence was virtually certain to continue. Despite the obvious risks, the State
15 repeatedly failed to reasonably supervise and administer Fletcher’s parole in the community
16 despite ongoing mental health crises, parole violations, and violent behaviors.

17 44. Fletcher’s family notified the State that Fletcher was not sleeping or showering,
18 and he was off of his medications. Between February and April of 2020, police had received
19 over 30 calls for service to the apartment building where Fletcher resided.

20 45. On February 28, 2020, Fletcher attacked his grandparents. He brandished a
21 knife, threatened to throw hot grease, and triggered a medical emergency for his grandfather.
22 That same night, Fletcher was seen running in traffic, out of control. Tayjuan reported he did
23 not have his meds and was going crazy. A King County Sheriff’s officer encountered Fletcher
24 on the street and referred him for an involuntary mental health evaluation as an immediate threat
25 to himself or others.
26

1 46. On March 8, 2020, Fletcher threatened to shoot a loss prevention officer at the
2 Federal Way Target, and then assaulted Federal Way Police Officer Lee Price. Although
3 Fletcher was arrested and temporarily in custody, the State failed to take action. Fletcher was
4 released to the streets on March 11, 2020.

5 47. After Fletcher’s release, the State acknowledged Fletcher’s desperate need for
6 mental health intervention and recognized the need to arrest Fletcher and revoke his parole. A
7 warrant was issued pursuant to RCW 13.40.045. In the warrant, parole counselor Marinovich
8 stressed the need for officer and public safety precautions: “Tayjuan is currently struggling with
9 mental health issues and has been known to resist arrest.”

10 48. On April 9, 2020, Fletcher crashed a VW sedan without plates on Main Street in
11 Auburn. He was apprehended by Auburn police, who were alerted to the warrant from JRA,
12 which noted that Fletcher was struggling with mental health issues, failing to follow conditions
13 of parole, and known to resist arrest. Fletcher was booked into the King County Jail pursuant
14 to RCW 13.40.210.

15 49. Shortly after the arrest, parole supervisor Matt Marinovich and Lisa Helsen
16 visited Fletcher in jail; they noted Fletcher’s continuing difficulties with mental health, and his
17 acknowledgement that he was no longer residing with his grandmother. Nonetheless, Mr.
18 Marinovich prepared a JRA Order of Release: “PLEASE RELEASE TO SELF.” Fletcher was
19 released and his parole violations immediately continued.

20 50. On April 22, 2020, Fletcher was involved in a shooting at the apartment where
21 he had been living for the past two months, with multiple shots fired through an apartment door,
22 with bullets traveling through the apartment complex and striking three parked cars outside.

23 51. On May 15, 2020, Fletcher’s grandmother contacted the State to attempt to
24 facilitate better supervision of Fletcher. The State advised her that Fletcher was out of
25 compliance with the conditions of his supervision and asked the grandmother to arrange “a
26 return call from Tayjuan as soon as possible.” On May 21, 2020, Stacia Hightower reported

1 that Fletcher was pounding on the door to her South Seattle apartment and demanding entry.
2 Before leaving Fletcher announced, “OK, you watch what I’m going to do.” On May 23, 2020,
3 Fletcher killed two innocent bystanders at the Rainier Beach Safeway. The State failed Tayjuan
4 Fletcher and the individuals he murdered, all of which was foreseeable.

5 52. The State repeatedly failed to provide Fletcher with the resources he needed,
6 failed to properly supervise him as required by law, and otherwise failed to control Fletcher
7 and/or protect those who he endangered, including Plaintiff. Despite multiple opportunities,
8 the State failed to properly supervise Fletcher and failed to protect the community from
9 Fletcher’s ongoing parole violations, mental instability, and uncontrolled violence. The State
10 in effect allowed Fletcher to continue on his own violent trajectory until he committed a double
11 homicide at the Rainier Beach Safeway on May 23, 2020.

12 IV. CAUSES OF ACTION

13 COUNT I: NEGLIGENCE 14 As to the Corporate Defendants 15 (Washington Common Law)

16 53. Negligence. Based on the paragraphs set forth and alleged above, and brought
17 pursuant to the wrongful death and survival laws articulated in Chapter 4.20 RCW, Defendants
18 owed Plaintiff a duty of care based on their ownership, lease, control, operation, and/or
19 management of the shopping center and parking lot located at 9262 Rainier Avenue S., Seattle,
20 WA 98118, a duty that included exercising reasonable care to protect from, to discover, and to
21 disclose to business invitees like Plaintiff the known and/or hidden dangerous conditions of the
22 premises, particularly conditions like a criminal activity of third persons that Defendants should
23 have reasonably foreseen would endanger a business invitee like Plaintiff, and breached these
24 duties by, *inter alia*, failing to exercise ordinary care in protecting Plaintiff from dangerous
25 third party criminals and to otherwise keep the premises safe, by failing to provide adequate
26 security and/or access security needs relative to the known danger of criminal activity, failing

1 to reasonably investigate and/or discover the history of criminal activity on the premises, failing
2 to properly train agents to assist in protection of business invitees, failing to control agents
3 commensurate with proper security protocols, failing to warn business invitees of the danger of
4 criminal activity and other dangerous conditions of the property, exposing business invitees to
5 known hidden and/or dangerous conditions on the property, failing to remedy the hidden and
6 dangerous conditions, and otherwise failing to exercise due care with respect to the matters
7 alleged in the complaint, which resulted in foreseeable harm to Plaintiff, including death,
8 thereby proximately causing him economic and non-economic damages, including pain and
9 suffering of the decedent before his death, the loss of love, care, affection, services,
10 companionship, guidance, and society of the decedent with his beneficiaries, the loss of
11 monetary contributions that the decedent would have made to his beneficiaries of his estate,
12 funeral and burial expenses, and all other remedies surviving the decedent.

13
14 **COUNT II: NEGLIGENCE**
15 **As to the State Defendants**
16 **(Washington Common Law)**

17 Negligence. Based on the paragraphs set forth and alleged above, the State Defendants
18 had a duty to refrain from negligent and grossly negligent acts and omissions, a duty that arose
19 out of a special relationship, custodial control, investigations of referrals, and fiduciary
20 relationship, duties that included the duty to refrain from negligent and/or grossly negligent
21 disregard for the foreseeable danger that Tayjuan “Baby Tate” Fletcher posed to Plaintiff and
22 others, duties that included the necessity of taking reasonable precautions to protect Plaintiff
23 from a known violent man in State custody, duties that included providing proper parole
24 supervision and support necessary to manage Fletcher’s dangerousness, duties that included
25 providing thorough and accurate information to Courts making decisions about Fletcher’s
26 liberty, and duties to control a dangerous felon who was not complying with the law or his
community custody conditions, and the State Defendants’ multiple failures in its duties owed,

1 including those aforementioned, proximately caused the death of Plaintiff and resultant
2 damages for which the State Defendants are liable.

3 **COUNT III: OUTRAGE**
4 **As to the State Defendants**
5 **(Washington Common Law)**

6 54. Outrage. Based on the paragraphs set forth and alleged above, the State
7 Defendants' conduct negligently, recklessly, and/or willfully or intentionally inflicted
8 emotional distress upon Plaintiff.

9 **COUNT IV: INFLICTION OF EMOTIONAL DISTRESS**
10 **As to the State Defendants**
11 **(Washington Common Law)**

12 Infliction of Emotional Distress. Based on the paragraphs set forth and alleged above,
13 the State Defendants' conduct constituted negligent infliction of emotional distress, and the
14 State Defendants are liable for Plaintiff's damages proximately caused by its actions as
15 provided in more detail above.

16 **COUNT V: WRONGFUL DEATH**
17 **As to all Defendants**
18 **(RCW 4.20.010 ET SEQ)**

19 Wrongful Death. Based on the paragraphs set forth and alleged above, Defendant's
20 wrongful acts, omissions, and negligence were proximate causes of Christopher Wilson's death,
21 and resulted in economic and noneconomic damages sustained by Christopher Wilson's
22 beneficiaries in the form of loss of consortium, and other post death damages, all of which are
23 recoverable under the Wrongful Death Statute, RCW 4.20.010 et seq., which creates new causes
24 of action for the benefit of specific surviving relatives to compensate for losses caused to them
25 by the decedent's death.
26

1 **COUNT VI: SURVIVAL STATUTE NEGLIGENCE**

2 **As to all Defendants**
3 **(RCW 4.20.046 ET SEQ)**

4 55. Wrongful Death. Based on the paragraphs set forth and alleged above,
5 Plaintiff’s negligence cause of actions for injuries suffered prior to death survive to his personal
6 representative, and they are preserved as an asset of the Estate of Christopher Wilson, and the
7 damages are recoverable under theories of Defendants’ negligence that proximately caused
8 economic and non-economic damages to Christopher Wilson.

9 **COUNT VII: NUISANCE**
10 **As to the Corporate Defendants**
11 **(Washington Common Law)**

12 56. Nuisance. Based on the paragraphs set forth and alleged above, Defendants
13 represented to the community that the 9200 block of Rainier Avenue was safe and invited
14 members of the public onto their premises, while on the other hand creating an attractive
15 nuisance for third party criminals to gather and commit crimes, many of which affected the
16 business invitees of Defendants, including Christopher Wilson, who was shot and killed as a
17 proximate result of Defendants’ attractive nuisance.

18 **V. RESERVATION OF RIGHTS**

19 57. Reservation of Rights. Plaintiff reserves the right to assert additional claims as
20 may be appropriate following further investigation and discovery.

21 **VI. JURY DEMAND**

22 58. Jury Demand. Plaintiff demands this case to be tried by a jury.

23 **VII. PRAYER FOR RELIEF**

24 59. Relief. Plaintiff respectfully requests the following relief:

- 25 A. That the Court award Plaintiff appropriate relief, to include all special and
26 general damages established at trial;
- B. That the Court award costs, reasonable attorneys’ fees, and statutory interest
 under any applicable law or ground in equity;

- 1 C. That the Court award pre-judgment interest on items of special damages;
2 D. That the Court award post-judgment interest;
3 E. That the Court award Plaintiff such other, favorable relief as may be
4 available and appropriate under law or at equity; and
5 F. That the Court enter such other and further relief as the Court may deem just
6 and proper.

7 SIGNED this 17th day of May, 2023.

9 **PFAU COCHRAN VERTETIS AMALA PLLC**

10 By: /s/ Darrell L. Cochran
11 Darrell L. Cochran, WSBA No. 22851
12 Kevin M. Hastings, WSBA No. 42316
13 Attorneys for Plaintiff

14 **MAGLIO CHRISTOPHER & TOALE LAW FIRM**

15 By: /s/ Talis Abolins
16 Talis Abolins, WSBA No. 21222
17 Attorney for Plaintiff
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EXHIBIT A

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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

In Re the Estate of

CHRISTOPHER LEON WILSON, JR.,

Deceased.

No. 20-4-04654-7 SEA

ORDER APPOINTING
ADMINISTRATOR - PERSONAL
REPRESENTATIVE

I.

HEARING

- A. Date. See Page three (3)
- B. Purpose. To consider the Petition for Appointment of the Administrator/Personal Representative, issuance of Letters of Administration and other relief.
- C. Appearances. Appearance on behalf of the petitioner was made by James Schermer, attorney for the Estate.
- D. Notice. Appropriate notice has been given or has been waived.
- E. Evidence. Testimony was given in the form of the Verified Petition.

II.
FINDINGS

1
2 On the basis of the evidence, the court finds:

3 1. Jurisdiction. Decedent died intestate on May 23RD, 2020, leaving no assets and no
4 liabilities, but as alleged in the Petition, the Decedent died under circumstances which make it
5 reasonable for the Administrator/Personal Representative to investigate whether a Wrongful
6 Death action should be commenced against appropriate defendants on behalf the Decedent's
7 statutory beneficiaries under Title 4.20, RCW.

8 2. Notices. Appropriate notices have been given or have been waived.

9 3. Administrator/Personal Representative. The person nominated to serve as
10 Administrator-Personal Representative is legally qualified to act as such.

11 4. Bond. Bond should not be required per RCW 11.28.185 and should be waived (or)
12 bond should be set at \$ -0- .

13 5. Solvency. The Estate has no assets and no liabilities and is therefore not solvent.

14 **III.**
15 **ORDER**

16 On the basis of the evidence and findings, it is ORDERED:

17 A. Certificate of Testimony. The testimony offered concerning the intestate status of
18 decedent is accepted and certified as proof of Petitioner's right to be appointed
19 Administrator/Personal Representative.

20 B. Appointment. LESLIE WILSON, aunt of the Decedent, is appointed as
21 Administrator-Personal Representative of the Estate, and upon filing an Oath shall be issued
22 Letters of Administration.

23 D. Bond. Bond is waived (or) bond should be set at \$ -0-_____.

24 E. Solvency. The Estate is not solvent and therefore nonintervention powers are not
25 awarded at this time, but may be awarded at a later date upon an adequate showing of solvency.
26

1 F. The Administrator/Personal Representative is specifically authorized to
2 take all reasonable and necessary actions to investigate whether a Wrongful Death action
3 should be commenced on behalf of the Decedent's statutory beneficiaries under Title 4.20,
4 RCW, and to retain qualified separate counsel to assist in carrying out such investigation, and
5 to commence such Wrongful Death action without further order of the Court against all
6 appropriate defendants if it is determined by the Administrator/Personal Representative that
7 it is appropriate to do so.
8

9 DONE IN OPEN COURT THIS ____ day of _____, 2020.
10

11
12 _____
13 JUDGE/COURT COMMISSIONER

14 Presented by:
15 MOSLER & SCHERMER

16 s/James Schermer
17 JAMES SCHERMER, WSBA #4768
18 Attorney for the Estate
19 Mosler & Schermer
20 66 South Hanford Street, Ste. 300
21 Seattle, WA 98134
22 Telephone: (206) 576-6907
23 Fax: (206)260-8906
24 E-mail: schermer@msjlegal.com
25
26

ORDER CONFIRMING ADMINISTRATOR-
PERSONAL REPRESENTATIVE - 3

MOSLER & SCHERMER
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SEATTLE, WA 98134
Phone: (206) 576-6907
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King County Superior Court
Judicial Electronic Signature Page

Case Number: 20-4-04654-7
Case Title: IN RE Deceased In Re the Estate of Christopher Leon Wilson, Jr.
Document Title: Order
Signed By: Bradford Moore
Date: August 10, 2020



Judge/Commissioner: Bradford Moore

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: FC8744E49A72FF0F850BE061D5A0A1A293B475BB
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CN="Brad Moore: kHmbWor95BGfWFJmHl1GsA=="

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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

In Re the Estate of

CHRISTOPHER LEON WILSON, JR.,

Deceased.

No. 20-4-04654-7 SEA

[PROPOSED] AMENDED ORDER
APPOINTING ADMINISTRATOR/
PERSONAL REPRESENTATIVE

THIS MATTER having come on for hearing on the motion of the Administrator
/Personal Representative for an Order amending the Court’s prior Order of August 10, 2020,
appointing the Administrator/Personal Representative in the above entitled estate, and the
court having considered the motion, and the files and records herein, including the
Declaration of Talis Abolins, and having made the following findings:

- 1. The Court’s prior order of August 10, 2020 appointed Leslie Wilson as the
Administrator/Personal Representative of the above entitled estate, and specifically
authorized her in that capacity to take all reasonable and necessary actions to investigate
whether a wrongful death action should be commenced on behalf of the Decedent’s
statutory beneficiaries under Title 4.20, RCW; and

1 2. The Administrator/Personal Representative pursuant to such authorization sought
2 to obtain records of the Washington Department of Children, Youth and Families
3 (DCYF) relating to the history and supervision of Tayjuan Trevion “Babie Tate”
4 Fletcher, the Decedent’s alleged killer; and

5 3. In response, DCYF stated to counsel for the Administrator/Personal
6 Representative that the Court’s prior order was insufficiently broad in scope to permit
7 DCYF to respond to the records request, but informed counsel for the
8 Administrator/Personal Representative that if the Order was amended to include the below
9 stated language, that the records request would be complied with and the records in
10 question would be provided to counsel for the Administrator/Personal Representative, and
11 DCYF, through its counsel, further informed counsel for the Administrator/Personal
12 Representative it had no objection to amending the Court’s prior Order to include the
13 following language: “*The Administrator/Personal Representative is allowed reasonable*
14 *access to all records, including records of Child Protective Services, Child care providers,*
15 *the Washington Department of Children, Youth and Families, and/or other educational*
16 *institutions, Law enforcement agencies (or equivalent agencies);”*

17
18
19 and the Court being otherwise fully advised in the premises.

20 NOW, THEREFORE, it is hereby ORDERED, ADJUGED AND DECREED, as
21 follows:

22 Section F., on page 3 of the Court’s prior Order of August 10, 2020, is hereby
23 amended to state as follows:

24 The Administrator/Personal Representative is specifically authorized to take all
25 reasonable and necessary actions to investigate whether a Wrongful Death action should be
26

1 commenced on behalf of the Decedent's statutory beneficiaries under Title 4.20, RCW, and
2 to retain qualified separate counsel to assist in carrying out such investigation, and to
3 commence such Wrongful Death action without further order of the Court against all
4 appropriate defendants if it is determined by the Administrator/Personal Representative that
5 it is appropriate to do so, and in furtherance of such authority the Administrator/Personal
6 Representative is allowed reasonable access to all records, including records of Child
7 Protective Services, Child care providers, the Washington Department of Children, Youth
8 and Families, and/or other educational institutions, Law enforcement agencies (or
9 equivalent agencies).

10
11 DONE IN OPEN COURT THIS _____ day of _____, 2020.

12
13 _____
14 JUDGE/COURT COMMISSIONER

15 Presented by:
16 MOSLER & SCHERMER

17 s/James Schermer
18 JAMES SCHERMER, WSBA #4768
19 Attorney for the Estate
20 Mosler & Schermer
21 66 South Hanford Street, Ste. 300
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King County Superior Court
Judicial Electronic Signature Page

Case Number: 20-4-04654-7
Case Title: IN RE CHRISTOPHER LEON WILSON JR
Document Title: Order

Signed By: Commissioner Henry Judson
Date: October 12, 2020



Judge/Commissioner: Commissioner Henry
Judson

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 8488D7F9F8F23124E7BC1614CC3139B488987284
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O=KCDJA, CN="Henry Judson: WlbTSZRJ6RG2ju
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