

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

CASE TYPE: CIVIL

Court File No.: _____

Jennifer L.M. LeMay, as parent and legal guardian of
Caleb JaChin Duane Livingston,

Plaintiff,

vs.

COMPLAINT

Estate of Daunte Demetrius Wright, Sr., Decedent,

Defendant.

Plaintiff, Jennifer L.M. LeMay, as parent and legal guardian of Caleb JaChin Duane
Livingston, states and alleges as follows:

I. PARTIES

1. That Jennifer L.M. LeMay (“Plaintiff”) is the parent and legal guardian of Caleb JaChin Duane Livingston (“Caleb”), and at times, was a resident of Minneapolis, Minnesota, County of Hennepin. Plaintiff was appointed temporary guardian of Caleb in another state, not Minnesota, on April 23, 2021 and will soon be appointed permanent guardian. Caleb is 18 years old, having been born on January 10, 2003.

2. That at certain times herein, Caleb was a resident of Minneapolis, Minnesota, County of Hennepin, and also a minor on May 14, 2019. However, he did not reside in Minnesota on that date. Due to the serious nature of his injuries and the intentional and negligent conduct of Daunte Demetrius Wright, Sr. (“Decedent”), Caleb is not able to handle his personal affairs or meet his basic living needs and has significant permanent disabilities both mentally and physically requiring Plaintiff, as Caleb’s mother, to handle all of his affairs. As

such, the appointment in question pending for permanent guardianship is being sought and will be obtained in the near future as referenced in paragraph 1.

3. That upon information and belief, Decedent was, at all times material herein, a resident of Minneapolis, Minnesota, County of Hennepin. He passed away on Sunday, April 11, 2021 when he was shot and killed by a Brooklyn Center, Minnesota police officer.

II. VENUE AND JURISDICTION

4. The State of Minnesota, County of Hennepin is the proper venue and jurisdiction for this action pursuant to Minn. Stat. § 542.09 (2011), as the Decedent resided in Hennepin County, and the events which form the basis of this cause of action occurred in Hennepin County.

III. FACTUAL BACKGROUND

5. On May 14, 2019, Caleb was at a gas station/convenience store known as “Full Stop” located at 1818 Lowry Avenue North in Minneapolis, Hennepin County, Minnesota.

6. That on that same date and time, at approximately 9:19 pm, Decedent was also present at or near Full Stop when he brandished, pointed, and discharged a firearm at and towards Caleb striking him with a single shot bullet in the head causing serious, disabling, and permanent injuries.

7. That Decedent’s discharge of a firearm at and towards Caleb was intentional, offensive, and negligent and caused Caleb to suffer grievous and permanent injuries to his body and nervous system, past and future loss of earnings and earning capacity, past and future medical expenses, past and future pain, suffering, disability, disfigurement, humiliation, embarrassment, and severe emotional distress.

IV. COUNT ONE – ASSAULT & BATTERY

8. Plaintiff restates and realleges paragraphs 1-7 above as though fully set forth herein.

9. At the time and on the occasion described above, Defendant did intentionally cause a

harmful and offensive contact with Caleb, and Caleb did have a reasonable apprehension and fear of a harmful and offensive contact by Decedent.

10. That said fear, apprehension, harmful, and offensive contact by Decedent upon Caleb did cause Caleb to suffer severe and permanent physical, mental, and emotional injuries.

11. That as a direct and proximate result of the intentional contact by Decedent, Caleb has incurred and will in the future incur loss of earnings and earning capacity; has in the past and will in the future incur medical and hospitalization expenses; has in the past and will in the future suffer from severe pain, disability, disfigurement, humiliation, embarrassment, and grave emotional distress all in an amount in excess of Fifty Thousand and no/100 dollars (\$50,000.00).

COUNT TWO – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

12. Plaintiff restates and realleges paragraphs 1-11 above as though fully set forth herein.

13. That the conduct of Decedent was extreme and outrageous and utterly intolerable in any civilized society and was intentionally and recklessly directed toward Caleb.

14. Decedent knew or should have known that severe emotional distress and mental anguish was certain to result from his conduct.

15. That the conduct of Decedent did cause Caleb to suffer severe emotional distress and grave mental anguish.

16. That as a direct and proximate result of the intentional contact by Decedent, Caleb has incurred and will in the future incur loss of earnings and earning capacity; has in the past and will in the future incur medical and hospitalization expenses; has in the past and will in the future suffer from severe pain, disability, disfigurement, humiliation, embarrassment and grave emotional distress all in an amount in excess of Fifty Thousand and no/100 dollars

(\$50,000.00).

COUNT THREE - NEGLIGENCE

17. Plaintiff restates and realleges paragraphs 1- 16 above as though fully set forth herein.

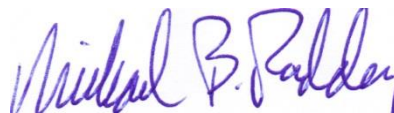
18. At the time and on the occasion described above, Decedent negligently and carelessly discharged a firearm at and in the direction or vicinity of Caleb in such a manner as to create an unreasonable risk of harm to Caleb.

19. That Decedent had a duty to Caleb and others to not create an unreasonable risk of harm by discharging a firearm in his direction and vicinity.

20. That Decedent breached that duty and did directly and proximately cause Caleb to suffer serious and permanent physical and emotional injuries.

21. That as a direct and proximate result of the intentional contact by Decedent, Caleb has incurred and will in the future incur loss of earnings and earning capacity; has in the past and will in the future incur medical and hospitalization expenses; has in the past and will in the future suffer from severe pain, disability, disfigurement, humiliation, embarrassment, and grave emotional distress all in an amount in excess of Fifty Thousand and no/100 dollars (\$50,000.00).

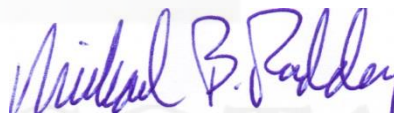
WHEREFORE, Plaintiff prays for the judgment in an amount in excess of Fifty Thousand and no/100 dollars (\$50,000.00) together with pre-judgment and post-judgment interests, costs and disbursements incurred herein, attorney fees, and any such other relief as the Court deems just and equitable.

PADDEN LAW FIRM, PLLC

Dated: May 4, 2021

By: _____
Michael B. Padden, #177519
8673 Eagle Point Boulevard
Lake Elmo, MN 55042
Telephone: (651) 789-6545
*Attorney for Plaintiff***ACKNOWLEDGMENT**

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, Subd. 2, to the party against whom the allegations in these pleadings are asserted.

_____
Michael B. Padden

MINNESOTA
JUDICIAL
BRANCH