

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

JEFFREY CARUTHERS
Located at: 1203 Straton Drive
Columbia, MO 65203

and

ALLISON BRADBURY,
Located at: 212 Divot Drive
Columbia, MO 65201

Plaintiffs,

vs.

Case No. _____

RICKY B. GURLEY,
Located at: 1304 Dawn Ridge Rd.
Columbia, MO 65201

and

RISK MANAGEMENT
INVESTIGATIONS, LLC,
Located at: 814 East Broadway, Suite C
Columbia, MO 65201

And

XYZ DEFENDANT(S),
Defendants.

PETITION

COMES NOW Plaintiffs, Jeffery Caruthers and Allison Bradbury, by and through their attorneys of record, McDorman & Parks LLC, and for their cause of action against Defendants, state as follows:

GENERAL ALLEGATIONS

1. Plaintiff Jeffery Caruthers currently resides in Boone County, Missouri.
2. Plaintiff Allison Bradbury currently resides in Boone County, Missouri.

3. Plaintiffs are the Natural Parents of the Decedent, Cameron Scott Caruthers, and are both individuals in the first class having a cause of action for the wrongful death of Cameron Scott Caruthers as defined in § 537.080.(1) RSMo.

4. Defendant Ricky B. Gurley is now and at all times mentioned in this Petition was a resident of Boone County, Missouri.

5. Defendant Ricky B. Gurley is a natural person over the age of 18 years.

6. Defendant Risk Management Investigations, LLC is now and at all times mentioned in this Petition a Missouri limited liability company in good standing.

7. Defendant Ricky B. Gurley is the registered agent for Defendant Risk Management Investigations, LLC.

8. Defendant Risk Management Investigations, LLC is involved in the business of private investigations and bail bonds.

9. Defendant Ricky B. Gurley is the owner and an employee of Defendant Risk Management Investigations, LLC.

10. Upon information and belief, Defendant Ricky B. Gurley operated Risk Management Investigations, LLC out of his home located at 1304 Dawn Ridge Rd., Columbia, Missouri 65202.

11. The claim herein alleged arose on May 22, 2017 at 1304 Dawn Ridge Rd., Columbia, Missouri 65202, when Defendant Ricky B. Gurley shot and killed Cameron Scott Caruthers. A certified copy of the death certificate for Cameron Scott Caruthers is attached hereto as Exhibit A and incorporated herein by reference, the same as if more fully set out herein.

12. At all times mentioned, Defendant Ricky B. Gurley was the owner of the firearm used to kill Cameron Scott Caruthers.

13. Upon information and belief, Defendant Ricky B. Gurley purchased the firearm to aid him in his investigations and bond work.

14. Defendant Ricky B. Gurley is now, and at all times mentioned in this Petition was, a convicted felon and was forbidden from owning or possessing a firearm.

15. Defendants designated as XYZ in this petition represent fictitious and unknown persons or entities whose conduct may have been a proximate cause of the injuries and death to Cameron Scott Caruthers due to their negligence or other violation of duty to Cameron Scott Caruthers, but whose identity is presently unknown and may only become known through the course of discovery against the named Defendants.

16. The nature of the causes of action stated herein are in tort, and all of the events and transactions herein alleged occurred in Boone County, Missouri and accordingly, venue is proper in Boone County, Missouri.

17. On May 22, 2017, Cameron Scott Caruthers, attempted to enter the residence, which he had been residing in, located at 1304 Dawn Ridge Rd., Columbia, Missouri 65202 to retrieve some personal belongings.

18. Cameron Scott Caruthers was invited into the residence by Kelsey Poore, another inhabitant of 1304 Dawn Ridge Rd., Columbia, Missouri 65202.

19. When Cameron Scott Caruthers arrived and entered the building, Defendant Ricky B. Gurley, sat in the living room brandishing a firearm.

20. Cameron Scott Caruthers emptied his pockets and put his hands above his head and verbally told the Defendant Ricky B. Gurley he was not armed, meant Defendant Ricky B. Gurley no harm, and was only attempting to retrieve some personal belongings.

21. In response, Defendant Ricky B. Gurley fired upon Cameron Scott Caruthers at near point-blank range, thereby causing the death of Cameron Scott Caruthers.

22. As a direct and proximate result of the actions and omissions of Defendants Ricky B. Gurley, Risk Management Investigations, LLC and XYZ Defendants, Cameron Scott Caruthers was killed and both he and his mother and father, suffered damages as follows:

- a. Cameron Scott Caruthers endured pain and suffering between the time of injury and his violent death.
- b. Cameron Scott Caruthers lost his life.
- c. Jeffery Caruthers lost his son thereby suffering a loss of services, companionship, comfort, instruction, guidance, counsel, training, and support by reason of death. Furthermore, Jeffery Caruthers suffered pecuniary losses including a loss of support and medical and funeral expenses by reason of the death.
- d. Jeffery Caruthers has also suffered physical and mental anguish, trauma and loss of enjoyment of life.
- e. Allison Bradbury lost her son thereby suffering a loss of services, companionship, comfort, instruction, guidance, counsel, training, and support by reason of death. Furthermore, Allison Bradbury suffered pecuniary losses including a loss of support and medical and funeral expenses by reason of the death.
- f. Allison Bradbury has also suffered physical and mental anguish, trauma and loss of enjoyment of life.

23. By reason of the all the foregoing, Plaintiffs have sustained actual damages and hereby assert a claim on their own right and as the Class 1

representatives for all damages which have occurred in the past and will occur in the future, to which any member of the class may be justly entitled by reason of the aforementioned conduct.

24. All Defendants are jointly and severally liable for Plaintiffs' damages.

25. Defendants' actions showed complete indifference to or conscious disregard for the safety of others thereby causing aggravating circumstances and entitling Plaintiffs to an additional amount of damages serving to punish Defendants and to deter Defendants and others from like actions.

COUNT I

WRONGFUL DEATH - NEGLIGENCE

COMES NOW Plaintiffs, Jeffery Caruthers and Allison Bradbury, by and through their attorneys of record, McDorman & Parks LLC, and for Count I of their cause of action against Defendants, state as follows:

26. Plaintiffs hereby incorporate paragraphs 1 through 25 of this Petition into this count as though fully set forth herein.

27. Defendant Ricky B. Gurley had a duty of care to exercise the highest degree of care with the firearm, or in the alternative, a duty to exercise an ordinary degree of care, so as to refrain from conduct which would place others in unreasonable risk of danger.

28. In the alternative to paragraph 27, Defendant Ricky B. Gurley had a duty to use only a reasonable amount of force necessary to defend himself from Camcron Scott Caruthers, and Defendant Ricky B. Gurley misapprehended the reasonable amount of force necessary to effectively defend himself.

29. Defendant Ricky B. Gurley violated his duty by allowing the weapon to fire, thereby shooting and killing Cameron Scott Caruthers with the weapon.

30. Defendant Ricky B. Gurley was thereby reckless, careless, negligent and/or grossly negligent, in that Defendant:

- a. Shot and killed Cameron Scott Caruthers;
- b. Unlawfully possessed a firearm;
- c. Used an unnecessary amount of force; and
- d. Shot at Cameron Scott Caruthers despite Cameron's assurances that he was unarmed and meant no harm to Defendant.

31. As a direct and proximate result of Defendant Ricky B. Gurley's improper actions combined with one or more improper actions of Defendants Risk Management Investigations, LLC, and XYZ Defendants, Plaintiffs have suffered damages as previously set forth herein.

32. Upon information and belief, Defendant Ricky B. Gurley was operating in the course and scope of his employment or agency granted to him by Defendant Risk Management Investigations, LLC at the time of the shooting.

33. As such, Defendant Risk Management Investigations, LLC is liable for the negligent acts committed by its employee, Defendant Ricky B. Gurley, done within the scope of employment.

WHEREFORE, Plaintiffs pray for judgment against Defendants Ricky B. Gurley jointly and severally with Defendants Risk Management Investigations, LLC, and XYZ Defendants in an amount sufficient to compensate them for their damages in excess of \$25,000.00, for punitive damages, plus prejudgment interest at the legal rate, plus post-judgment interest at the legal rate, for costs of the action and for any other relief the court deems just and proper.

COUNT II

WRONGFUL DEATH – NEGLIGENCE PER SE

COMES NOW Plaintiffs, Jeffery Caruthers and Allison Bradbury, by and through their attorneys of record, McDorman & Parks LLC, and in the alternative to Count I, and for this Count II of their cause of action against Defendants, state as follows:

34. Plaintiffs hereby incorporate paragraphs 1 through 25 of this Petition into this count as though fully set forth herein.

35. Defendant has been charged with Unlawful Possession of a Firearm per 18 U.S. Code § 922.

36. Plaintiffs, Jeffery Caruthers and Allison Bradbury and their late son, Cameron Scott Caruthers, are the injured parties to whom the above criminal statute was intended to protect.

37. The death of Cameron Scott Caruthers is the type of injury that the criminal statute above was designed to prevent.

38. Defendant Ricky B. Gurley was thereby negligent per se.

39. As a direct and proximate result of Defendant Ricky B. Gurley's improper actions combined with one or more improper actions of Defendants Risk Management Investigations, LLC, and XYZ Defendants, Plaintiffs have suffered damages as previously set forth herein.

40. Upon information and belief, Defendant Ricky B. Gurley was operating in the course and scope of his employment or agency granted to him by Defendant Risk Management Investigations, LLC at the time of the shooting.

41. As such, Defendant Risk Management Investigations, LLC is liable for the negligent acts committed by its employee and owner, Defendant Ricky B. Gurley, done within the scope of employment.

WHEREFORE, Plaintiffs pray for judgment against Defendants Ricky B. Gurley jointly and severally with Defendants Risk Management Investigations, LLC, and XYZ Defendants in an amount sufficient to compensate them for their damages in excess of \$25,000.00, for punitive damages, plus prejudgment interest at the legal rate, plus post-judgment interest at the legal rate, for costs of the action and for any other relief the court deems just and proper.

COUNT III

WRONGFUL DEATH – NEGLIGENCE PROVISION OF WEAPON

COMES NOW Plaintiffs, Jeffery Caruthers and Allison Bradbury, by and through their attorneys of record, McDorman & Parks LLC, and for this Count III of their cause of action against Defendants, state as follows:

42. Plaintiffs hereby incorporate paragraphs 1 through 41 of this Petition into this count as though fully set forth herein.

43. Upon information and belief, Defendant Risk Management Investigations, LLC, by and through at least one of its agents, employees or assigns, provided the weapon to Defendant Ricky B. Gurley.

44. In providing the weapon, Defendant Risk Management Investigations, LLC, had a duty to prevent injury to such persons as might, within the range of reasonable probability, be exposed to injury from that weapon.

45. Defendant Risk Management Investigations, LLC, knew or should have known, through its agents, employees or assigns, of Defendant Ricky B. Gurley's prior felony conviction(s), propensity for violence and his reputation for the same.

46. Defendant Risk Management Investigations, LLC, knew or should have known that Defendant Ricky B. Gurley had a prior criminal history of violent acts/threats.

47. It was within the range of reasonable probability that the weapon, in the hands of Defendant Ricky B. Gurley, would expose others, including Cameron Scott Caruthers, to injury.

48. Defendant Risk Management Investigations, LLC, violated its duty.

49. Defendant Risk Management Investigations, LLC, was thereby negligent, reckless, careless and/or grossly negligent, in that Defendant:

- a. Was bound by the doctrine of Respondent Superior; and
- b. Supplied Ricky B. Gurley with a firearm despite his prior felony conviction and propensity towards violence.

50. As a direct and proximate result of Defendant Risk Management Investigations, LLC's, improper actions combined with one or more improper actions of Defendants Ricky B. Gurley and XYZ Defendants, Plaintiffs suffered damages as previously set forth herein.

WHEREFORE, Plaintiff prays for judgment against Defendant Risk Management Investigations, LLC's, jointly and severally with Defendants Ricky B. Gurley and XYZ Defendants in an amount sufficient to compensate for his damages in excess of \$25,000.00, for punitive damages, plus prejudgment interest at the legal rate, plus post-judgment interest at the legal rate, for costs of the action and for any other relief the court deems just and proper.

By: **McDorman & Parks LLC**
/s/ Michael L. McDorman
 Michael L. McDorman #24447
 2140 Bagnell Dam Blvd., Suite 401
 Lake Ozark, MO 65049
 Telephone: (573) 964-5904
 Facsimile: (573) 964-5906
 mcdorman@mcdormanlawoffice.com
ATTORNEY FOR PLAINTIFFS