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2024 APR 04 09:00 AM
KING COUNTY
SUPERIOR COURT CLERK
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CASE #: 24-2-07338-8 KNT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

JOSHUA STEWART, Personal Representative of the ESTATE OF JEREMY FOSTER, NO.

Plaintiff,

vs.

COMPLAINT FOR NEGLIGENCE AND WRONGFUL DEATH

HOME DEPOT U.S.A., INC., a Delaware corporation, PRAETORIAN SECURITY SOLUTIONS, LLC, a Washington limited liability company, and RYAN DAVIS, an individual.

Defendants.

The Plaintiff, by and through attorney of record, Dexter L. Callahan of Van Siclen, Stock & Firkins, complains and alleges as follows:

I. PRELIMINARY STATEMENT

1.1 This is a complaint for negligence and wrongful death due to injuries inflicted upon the Decedent by Defendant Ryan Davis while acting within the course and scope of his employment as a security guard at Home Depot Store Number 4722 in Kent, Washington.

II. PARTIES, JURISDICTION AND VENUE

2.1 That all acts hereinafter alleged occurred within King County, Washington, and that this court has jurisdiction over this cause.

1 3.2 Upon information and belief, Mr. Foster entered the store and began collecting
2 items such as flooring tiles, placed them onto a cart, and attempted to leave the store without paying
3 for said items.
4

5 3.3 Upon information and belief Mr. Foster was confronted as he was trying to leave
6 the store and ultimately left the items in or near the entrance of the store and walked out into the
7 parking lot.
8

9 3.4 Despite having left the items in or near the entrance of the store, Mr. Foster was
10 pursued by a security guard.
11

12 3.5 Upon information and belief, the security guard who pursued Mr. Foster was
13 Defendant Ryan Davis, who was employed by a third-party company Praetorian Security
14 Solutions, LLC, which provided security services at Home Depot Store Number 4722.
15

16 3.6 In the parking lot, Mr. Foster was attacked by Defendant Ryan Davis who used a
17 taser on Mr. Foster. Mr. Foster remained conscious after being tazed and an altercation ensued
18 wherein Defendant Davis proceeded to administer violent blows to him while attempting to place
19 him in handcuffs. At some point during the altercation the Kent, Washington police were called
20 and when officers arrived Ryan Davis was still attempting to handcuff him. The Kent police
21 assisted with the handcuffing, and placed Mr. Foster into a police car.
22

23 3.7 Medical aid was called for Mr. Foster when he was discovered to be turning pale
24 and unresponsive. It is alleged in news reporting of the incident that Kent Police Officers
25 administered CPR and medical aid to Mr. Foster prior to the paramedics' arrival, and medical aid
26 was continued during transportation. However, it is believed he may have gone without oxygen
27 for several minutes.
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1 **3.8** Mr. Foster was transported by ambulance to Valley Medical Center. Medical chart
2 notes from 8:25 p.m. indicate that he arrived intubated and unresponsive. Mr. Foster was deemed
3 critically ill and at risk of organ failure and/or loss of life.
4

5 **3.9** Further evaluation showed multiple rib fractures, liver and spleen lacerations, a
6 colonic tear, severe internal bleeding, and evidence of facial trauma and trauma to the extremities,
7 among other injuries. He was taken to emergency surgery for a splenectomy, hepatorrhaphy, and
8 right colectomy, but was too unstable to finish closing. The tentative plan was to try and attempt
9 another definitive surgery within 48 hours if he survived. However, Mr. Foster's shock and
10 multiorgan failure kept progressing despite maximal medical efforts.
11

12 **3.10** The hospital's "Palliative team was consulted for goals of care discussion. Family
13 was in shock and initially wanted to continue with aggressive care but given his declining status,
14 they decided on transitioning him to comfort care on 4/5/23 evening and patient passed away
15 shortly after."
16

17 **3.11** The injuries Mr. Foster endured at the hands of Defendant Ryan Davis were the
18 direct and proximate cause of his death, or at least a substantial factor in his death.
19

20 **3.12** Mr. Foster experienced severe and excruciating pain and immeasurable fear at the
21 hands of Defendant Ryan Davis who tasered and beat him so badly it caused severe internal injuries
22 and bleeding.
23

24 **3.13** The actions of Ryan Davis were performed in the course and scope of his duties as
25 a security guard for Praetorian Security, LLC, and under his authority as an agent of Home Depot
26 Store Number 4722.
27

28 **3.14** Defendant Praetorian Security, LLC, was negligent in hiring Defendant Ryan
29 Davis.
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V. DAMAGES

5.1 Pursuant to RCW 4.20.060 and 4.20.046, this claim is brought on behalf of the Estate of Jeremy Foster for the losses sustained as a result of the injuries and death of Jeremy Foster and the Plaintiff asserts that the estate is damaged as follows:

5.2 For the excruciating pain and suffering, anxiety, fear, and emotional distress and humiliation that Jeremy Foster endured prior to his death.

5.3 For the disabilities, loss of enjoyment of life, cost of medical, hospital, and funeral expenses, and other economic losses.

5.4 For the loss of love, affection, and companionship.

5.5 For any and all other damages as allowed in law or in equity.

VI. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for the following relief:

1. A judgment against the Defendants, jointly and severally, in an amount to be determined at trial, sufficient to compensate the Plaintiff for the injuries described above.

2. For past and future special and general damages, as may be proven by the Plaintiff at the time of trial.

3. For the beneficiaries of Joshua Foster's estate, for emotional damages and grief, economic losses, loss of support, love, affection, care, service, companionship, society, and consortium.

4. For other pecuniary damages suffered by the beneficiaries as allowed by statute and applicable case law.

5. For past and future direct costs of medical, hospital, and other health care expenses.

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- 6. For funeral expenses.
- 7. For other economic losses which survive to Jeremy Foster's estate.
- 8. For attorney fees and costs of suit to the fullest extent allowed by law.
- 9. For pre-judgment interest and attorney's fees and costs.
- 10. For such other and further relief as the court may deem just and proper.

DATED this 3rd day of April, 2024.

VAN SICLEN, STOCKS & FIRKINS

By: /s/ Dexter L. Callahan
Dexter L. Callahan, WSBA #53119
Attorney for Plaintiff