

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO</p> <p>Court Address: 1437 Bannock Street, Room 256 Denver, CO. 80202</p>	<p>DATE FILED December 4, 2024 3:59 PM FILING ID: A05E32508B8F7 CASE NUMBER: 2024CV33737</p>
<p>Plaintiffs: YOUNGHEE KIM and UHWAN KIM, individually and as heirs to SEORIN KIM, deceased</p> <p>v.</p> <p>Defendant: NICHOLAS MYKLEBUST</p>	<p>▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for Plaintiff:</i> Greg Bentley, #42655 Dormer Harpring, LLC 3457 Ringsby Court, Unit 110 Denver, CO 80216 Phone Number: (303) 756-3812 Facsimile: (303) 477-7400 Email: attorneys@denvertrial.com</p>	<p>Case No:</p> <p>Division:</p> <p>Courtroom:</p>
<p>CIVIL COMPLAINT AND JURY DEMAND</p>	

Plaintiffs, Younghee Kim and Uhwan Kim, by and through their attorneys, Dormer Harpring, LLC, file this Complaint and Jury Demand against Defendant, Nicholas Myklebust, and state as follows:

INTRODUCTION

Seorin Kim was a dreamer, she loved Disney musicals and would, every time, laugh and cry with their triumphs and setbacks as she ate red apple jelly-bellies for dinner with her sister. Seorin loved her pet bunnies and composed the perfect trills on her piano and keyboard to capture their movements in a way that words and even videos alone truly could not. Music was her escape, but there was structure and discipline to her artistic expression, and even her hobbies were studied and executed with diligence and deliberation.

Seorin was a forensic accountant for the FBI, where her meticulous attention to detail was a (prized!) feature, not a flaw. She aspired to attain every professional distinction that could further

her work, and her business card had more commas than those of highly decorated scholars. In an August 28, 2024, letter to Seorin's parents, Christopher Wray, Director of the Federal Bureau of Investigations ("FBI"), wrote:

For eight years, Seorin was a valuable and highly regarded Forensic Accountant in our Denver Division, receiving numerous awards for her outstanding work. She demonstrated the fidelity, bravery and integrity that everyone at the Bureau hopes to achieve. I am grateful for her dedicated service, and her legacy will be cherished by all of those who knew and worked with her.

Seorin was a continuous learner, a constant student. Born as the first child to immigrant parents who had survived a devastating civil war, she was torn between her magical inclinations and the practical ambitions expected of first-generation Koreans. She spent much of her free time playing instruments, singing and composing music.

Seorin's life was suddenly cut short. On July 29, 2024, she was violently murdered at the age of 44. Her husband, Defendant Nicholas Myklebust, was immediately taken from their home for questioning and arrested for her death.



Seorin's infant daughter Lesley Kim was also found at the crime scene, unresponsive and not breathing. Lesley reached the age of just 83 days.

A few years earlier, her first child Bear Kim, died from cranial injuries at the age of just 9 days. No charges have been brought in connection with Lesley or Bear's death.

Seorin is survived only by her parents and younger sister. Seorin's parents bring this action for justice against Defendant and to stop him from profiting from Seorin's murder.

Parties

1. At the time of time of Seorin Kim's death, she was a resident of Colorado and resided in Denver County.
2. At the time of time of Seorin's death, she was 44 years old.
3. At the time of time of Seorin's death, she had one child, her infant daughter Lesley Kim.
4. At the time of infant Lesley's death, she was 83 days old.
5. At the time of infant Lesley's death, she was a resident of Colorado and resided in Denver County.
6. Seorin was married to Defendant Nicholas Myklebust at the time of her death.
7. At the time of time of the events discussed herein relating to the deaths of Seorin and her infant daughter Lesley, Defendant was a resident of Colorado and resided in Denver County.
8. Based upon the circumstances discussed herein and pursuant to C.R.S. § 15-11-803, Defendant has forfeited all benefits in Seorin's estate.
9. Based upon the circumstances discussed herein and pursuant to C.R.S. § 15-11-803, Defendant has disclaimed all benefits in Seorin's estate.
10. Based upon the circumstances discussed herein and pursuant to C.R.S. § 15-11-803, any benefits from Seorin to Defendant under any governing instruments are revoked.
11. Plaintiffs Younghee Kim and Uhwan Kim (collectively "Plaintiffs") are the surviving parents of Seorin.
12. Pursuant to C.R.S. § 15-11-103(4), Plaintiffs Younghee Kim and Uhwan Kim are the heirs of Seorin's estate.
13. Pursuant to C.R.S. § 13-21-202, Plaintiffs Younghee Kim and Uhwan Kim are proper Plaintiffs in this action for Seorin's wrongful death.
14. At all relevant times to this action, Plaintiffs Younghee Kim and Uhwan Kim were residents of Fresno County, California, with a residential address of 54620 MTN Poplar #B, Big Creek, California 93605

Jurisdiction and Venue

15. Pursuant to C.R.S. § 13-1-124(1)(a), this Court has personal jurisdiction over Defendant because he lived in and resided in the state of Colorado at the time of the events described herein.

16. Pursuant to C.R.S. § 13-1-124(1)(b), this Court has personal jurisdiction over Defendant because he committed one or more tortious acts in the state of Colorado.

17. Pursuant to C.R.C.P. 98(c)(1), venue is proper in the County of Denver, Colorado, because the tortious acts and death occurred in Denver County.

General Allegations

18. Just before 7 a.m. on July 29, 2024, Defendant called 911 and reported that he had discovered Seorin on the ground with blood coming from her head.

19. Defendant told 911 dispatch that he found “his baby” on the ground, not breathing.

20. When investigators arrived at the couple’s home on the 3200 block of N. Syracuse Street in Denver, they observed that Defendant’s hands were bloodied.

21. When investigators arrived at the couple’s home on the 3200 block of N. Syracuse Street in Denver, Defendant’s hands were bloodied.

22. When investigators arrived at the couple’s home on the 3200 block of N. Syracuse Street in Denver, they observed that Defendant’s hands were bruised.

23. When investigators arrived at the couple’s home on the 3200 block of N. Syracuse Street in Denver, Defendant’s hands were bruised.

24. When investigators arrived at the couple’s home on the 3200 block of N. Syracuse Street in Denver, they observed that Defendant’s hands were swollen.

25. When investigators arrived at the couple’s home on the 3200 block of N. Syracuse Street in Denver, Defendant’s hands were swollen.

26. Defendant’s hands appeared to have been used to strike something.

27. Upon information and belief, Defendant’s hands were used to strike Seorin.

28. Police took photos of Defendant’s hands.

29. Police wrapped Defendant’s hands for further testing.

30. The following photograph depicts Defendant on the morning of July 29, 2024, as he left the couple's home to be interviewed by Police.

31. The following photograph depicts Defendant from the morning of Seorin's death.

32. The following photograph from the morning of Seorin's death depicts Defendant with his hands wrapped.

33. The following photograph from the morning of Seorin's death depicts Defendant with his hands in bags.

34. The following photograph from the morning of Seorin's death depicts Defendant with blood on his shirt.

35. The following photograph from the morning of Seorin's death depicts Defendant with scratch marks on his chest.



36. When Police took Defendant from the couple's home to be interviewed on the morning of July 29, 2024, his hands were wrapped.

37. When Police took Defendant from the couple's home on the morning of July 29, 2024, his hands were in bags.

38. When Police took Defendant from the couple's home on the morning of July 29, 2024, blood was visible on his shirt.

39. When Police took Defendant from the couple's home on the morning of July 29, 2024, scratch marks were visible on his chest.

40. Around the time of Defendant's arrest, his hands were wrapped.

41. Around the time of Defendant's arrest, his hands were in bags.

42. Around the time of Defendant's arrest, blood was visible on his shirt.

43. Around the time of Defendant's arrest, scratch marks were visible on his chest.

44. On the morning of July 29, 2024, Seorin's body was found near a baby bassinet along a wall in the bedroom.

45. On the morning of July 29, 2024, Police found Seorin's body near a baby bassinet along a wall in the bedroom.

46. On the morning of July 29, 2024, Seorin's body had multiple blunt force injuries to her head.

47. On the morning of July 29, 2024, Seorin's body had multiple blunt force injuries to her face.

48. On the morning of July 29, 2024, Defendant claimed to first responders that his wife "must have fallen from a step stool."

49. On the morning of July 29, 2024, Defendant claimed to Police that his wife "must have fallen from a step stool."

50. On the morning of July 29, 2024, Seorin's body was not located by any items in the bedroom upon which she could have struck her head.

51. On the morning of July 29, 2024, Seorin's body was not located by any items in the bedroom from which she could have fallen.

52. On the morning of July 29, 2024, Seorin's body was not located by a step stool.

53. On the morning of July 29, 2024, there was no step stool in the couple's bedroom.

54. On the morning of July 29, 2024, Seorin's body was not located by a ladder.

55. On the morning of July 29, 2024, there was no ladder in the couple's bedroom.

56. Police rejected Defendant's explanation that she "must have fallen from a step stool."
57. Paramedics rejected Defendant's explanation that she "must have fallen from a step stool."
58. Paramedics noted that Seorin's facial and cranial injuries were not consistent with a fall.
59. Seorin's injuries were not consistent with a fall.
60. Seorin's injuries appeared to be inflicted by someone else.
61. On the morning of July 29, 2024, Police and paramedics found Seorin's infant daughter Lesley Kim unresponsive on the bed, not breathing, with no visible injuries.
62. The following photo depicts infant Lesley at some point before her death.



63. Infant Lesley is the second infant child of the couple to have died.
64. Infant Lesley is the second infant child of the couple to have died of unusual circumstances.

65. Infant Lesley is the second infant child to die of unusual circumstances in Defendant's care.

66. The manner and cause of infant Lesley's death have not yet been determined.

67. The couple's first child, Bear Myklebust, died in 2021 from cranial injuries at the age of 9 days.

68. On the morning of July 29, 2024, Paramedics noted that Defendant had defensive scratch marks on his neck and chest.

69. The following photo depicts Defendant around the time of his arrest after changing into a yellow shirt provided by police or jail staff.



70. The above photograph from around the time of Defendant's arrest depicts scratch marks on his neck.

71. At the time of Defendant's arrest, he had scratch marks on his neck.
72. The above photograph from around the time of Defendant's arrest depicts scratch marks on his chest.
73. At the time of Defendant's arrest, he had scratch marks on his chest.
74. Defendant's scratch marks are consistent with being caused by someone who is scratching and fighting to protect himself.
75. Upon information and belief, Defendant's scratch marks were caused by Seorin while she was trying to defend herself.
76. Seorin was taken to the hospital where she was pronounced dead.
77. On the morning of July 29, 2024, Seorin, Defendant, and their infant Lesley were the only people at their home.
78. On the morning of July 29, 2024, Seorin, Defendant, and their infant Lesley were the only people at their home.
79. Defendant did not report that anybody other than himself, Seorin, and their infant Lesley was at their home on the morning of July 29, 2024.
80. Police found probable cause to arrest Defendant relating to the death of Seorin.
81. Police arrested Defendant relating to the death of Seorin.
82. The Denver Office of the Medical Examiner determined Seorin's death to be a homicide caused by blunt force injuries.
83. Seorin's death certificate lists her manner of death as homicide.
84. Seorin's death certificate lists her cause of death as blunt force head injuries.
85. Seorin's death certificate lists her time of death as 7:31 on July 29, 2024.
86. The Denver District Attorney determined that evidence beyond a reasonable doubt existed to charge Defendant with first-degree murder for the death of Seorin.
87. The Denver District Attorney charged Defendant with one count of first-degree murder for the death of Seorin.
88. When police arrived at the couple's home on the 3200 block of N. Syracuse Street in Denver on the morning of July 29, 2024, police found bloody gloves "in the dryer and on the dryer."

89. When police arrived at the couple's home on the 3200 block of N. Syracuse Street in Denver on the morning of July 29, 2024, bloody gloves were on the dryer.

90. When police arrived at the couple's home on the 3200 block of N. Syracuse Street in Denver on the morning of July 29, 2024, bloody gloves were in the dryer.

91. On the morning of July 29, 2024, bloody gloves were on the dryer at the couple's home on the 3200 block of N. Syracuse Street in Denver.

92. On the morning of July 29, 2024, bloody gloves were in the dryer at the couple's home on the 3200 block of N. Syracuse Street in Denver.

93. Upon information and belief, Defendant destroyed or altered evidence on the morning of July 29, 2024.

94. Upon information and belief, Defendant attempted to clean the crime scene on the morning of July 29, 2024.

95. Upon information and belief, Defendant used gloves on the morning of July 29, 2024, in connection with the tortious acts described herein.

96. Upon information and belief, Defendant used gloves on the morning of July 29, 2024, in an attempt to clean the crime scene.

97. Upon information and belief, Defendant attempted to wash the bloody gloves in the dryer.

98. The Denver District Attorney determined that evidence beyond a reasonable doubt existed to charge Defendant with tampering with evidence relating to the murder of Seorin.

99. The Denver District Attorney charged Defendant with one count of tampering with evidence relating to the murder of Seorin.

100. Upon information and belief, Defendant destroyed, concealed, removed, and/or altered physical evidence relating to the death of Seorin.

101. Upon information and belief, Defendant destroyed, concealed, removed, and/or altered physical evidence relating to the death of Seorin by washing the bloody gloves.

102. Upon information and belief, Defendant destroyed, concealed, removed, and/or altered physical evidence relating to the death of Seorin by attempting to wash the bloody gloves.

103. Upon information and belief, Defendant destroyed, concealed, removed, and/or altered physical evidence relating to the death of Seorin by attempting to clean the crime scene.

104. Upon information and belief, Defendant destroyed, concealed, removed, and/or altered physical evidence relating to the death of Seorin with the intent to impair its use or availability in a prospective legal proceeding.

105. Plaintiffs seek damages for claims under the Wrongful Death Statute (C.R.S. § 13-21-202), in connection with the death of Seorin Kim.

106. Upon information and belief, at or about the aforementioned date, time, and place, as a result of the tortious actions of Defendant, Seorin was killed.

107. Upon information and belief, at or about the aforementioned date, time, and place, the tortious actions of Defendant were the direct and proximate causes of Seorin's death.

108. Upon information and belief, at or about the aforementioned date, time, and place, the tortious actions of Defendant with respect to the death of Seorin Kim were not justified.

109. Upon information and belief, at or about the aforementioned date, time, and place, the tortious actions of Defendant with respect to the death of Seorin Kim were willful and wanton.

110. Upon information and belief, at or about the aforementioned date, time, and place, the tortious actions of Defendant with respect to the death of Seorin Kim evidenced an extreme lack of care and concern for the value of human life.

111. Upon information and belief, at or about the aforementioned date, time, and place, Defendant caused the death of Seorin.

112. Upon information and belief, at or about the aforementioned date, time, and place, Defendant caused the death of Seorin with express malice.

113. Upon information and belief, at or about the aforementioned date, time, and place, Defendant intentionally caused the death of Seorin.

114. Upon information and belief, at or about the aforementioned date, time, and place, Defendant knowingly caused the death of Seorin.

115. Upon information and belief, at or about the aforementioned date, time, and place, Defendant recklessly caused the death of Seorin.

116. Upon information and belief, the actions of Defendant with respect to the death of Seorin, on or about the aforementioned date, time, and place, constitute murder in the first degree, as set forth in C.R.S. § 18-3-102 and applicable interpretive law.

117. Upon information and belief, the actions of Defendant with respect to the death of Seorin, on or about the aforementioned date, time, and place, constitute murder in the second degree, as set forth in C.R.S. § 18-3-103 and applicable interpretive law.

118. Upon information and belief, the actions of Defendant with respect to the death of Seorin, on or about the aforementioned date, time, and place, constitute manslaughter, as set forth in C.R.S. § 18-3-104 and applicable interpretive law.

119. Upon information and belief, the actions of Defendant, on or about the aforementioned date, time, and place, constitute a felonious killing as set forth in C.R.S. § 15-11-803.

120. Upon information and belief, at or about the aforementioned date, time, and place, Seorin was not at fault in causing her injuries and death.

121. Upon information and belief, Seorin was not comparatively negligent in causing her injuries, death, damages, and losses sustained on or about the aforementioned date, time, and place.

122. Plaintiffs are entitled to interest on their compensatory damages at the legal rate pursuant to C.R.S. § 13-21-101.

123. This case is brought in part pursuant to Colorado's Wrongful Death Act: C.R.S. § 13-21-201, *et seq.*

FIRST CLAIM FOR RELIEF
(Wrongful Death)

124. Plaintiffs incorporate all previous allegations as though fully set forth herein *verbatim*.

125. C.R.S. § 13-21-202 provides for recovery in an action for damages for the death of a person caused by the "wrongful act, neglect or default" of another, if the act, neglect, or default is "such as would, if the death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof."

126. Pursuant to C.R.S. § 13-21-202, damages for wrongful death may be sued for and recovered by the heirs of the deceased.

127. Pursuant to C.R.S. § 13-21-202, Younghee Kim and Uhwan Kim, as the heirs of Seorin, are proper Plaintiffs in a claim for Seorin's wrongful death.

128. Pursuant to the Wrongful Death Statute, C.R.S. § 13-21-202, Defendant's tortious actions causing the death of Seorin entitle Plaintiffs to commence and maintain direct claims against Defendant for Seorin's wrongful death.

129. As a direct and reasonably foreseeable result of the injuries and death of Seorin, Plaintiffs have suffered non-economic damages and losses as well as economic damages and

losses, including, but not limited to, damages for grief and sorrow, lost love, loss of consortium, pain and suffering, emotional distress, costs of burial, and other related damages.

JURY DEMAND

Plaintiffs request a trial by jury for all of their claims.

WHEREFORE, Plaintiffs, Younghee Kim and Uhwan Kim, request that judgment be entered in their favor and against Defendant, for all available relief, including, without limitation, non-economic damages and economic damages, as well as interest, costs, and attorney's fees, and such other relief as this Court deems proper.

DATED this 4th day of December 2024.

DORMER HARPRING, LLC

This pleading is filed electronically pursuant to C.R.C.P., 121 § 1-26. The original signed pleading is in counsel's file.

By: /s/ Gregory Bentley
Gregory D. Bentley, #42655
Sean M. Dormer, #44962
K.C. Harpring, #47760
Dormer Harpring, LLC
3457 Ringsby Court, Unit 110
Denver, CO 80216
Phone Number: (303) 756-3812
Facsimile: (303) 477-7400
attorneys@denvertrial.com

Attorneys for Plaintiff