

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. Tejon Colorado Springs, CO 80903 Telephone: 719-452-5000	DATE FILED September 2, 2025 4:29 PM FILING ID: 70120D6FC4665 CASE NUMBER: 2025CV31959
Plaintiffs: Adriana Vance as natural mother of Raymond Green, deceased, and as Personal Representative of the Estate of Raymond Green a/k/a Raymond Alfredo Green, deceased; Tanya Beal as natural mother of Kelly Loving, deceased, and as Personal Representative of the Estate of Kelly Loving a/k/a Jonathan Ray Loving, deceased; Julia Rump as natural mother of Derrick Rump, deceased, and as Personal Representative the Estate of Derrick Rump a/k/a Derrick Wayne Rump a/k/a Derrick W. Rump, deceased; John Arcediano; Jancarlos Del Valle; Ashtin Gamblin; Jerecho Loveall; Anthony Malburg; Charlene Slaugh; James Slaugh; Brianna Winningham; Barrett Hudson Defendants: El Paso County Sheriff Bill Elder, <i>in his official capacity</i> ; G.I.G., Inc. d/b/a Club Q; Club Q, LLC d/b/a Club Q; 3430 N. Academy, LLC; Academy3430, LLC; Matthew Haynes; and Kenneth Romines Attorneys for Plaintiffs: BUFKIN & SCHNEIDER LAW, LLC Bradley T. Bufkin, # 33794 Matthew L. Schneider, # 41784 2 N. Nevada Ave., Suite 1140 Colorado Springs, CO 80903 Tel.: (719) 247-3028 Email: brad@bbmslaw.com / matthew@bbmslaw.com	◆ COURT USE ONLY ◆ Case Number: Division:
COMPLAINT AND JURY DEMAND	

COME NOW the Plaintiffs, Adriana Vance as natural mother of Raymond Green, deceased, and as Personal Representative of the Estate of Raymond Green a/k/a Raymond Alfredo Green, deceased; Tanya Beal as natural mother of Kelly Loving, deceased, and as Personal Representative

of the Estate of Kelly Loving a/k/a Jonathan Ray Loving, deceased Julia Rump as natural mother of Derrick Rump, deceased, and as Personal Representative the Estate of Derrick Rump a/k/a Derrick Wayne Rump a/k/a Derrick W. Rump, deceased; John Arcediano; Jancarlos Del Valle; Ashtin Gamblin; Jerecho Loveall; Anthony Malburg; Charlene Slaugh; James Slaugh; Brianna Winningham; Barrett Hudson, and for their Complaint allege as follows:

INTRODUCTION

1) This case arises from the mass shooting that occurred on November 19, 2022, at Club Q, an LGBTQIA+ nightclub in Colorado Springs.

2) In the Club Q nightclub shooting, five people were murdered, and twenty-five others were injured. Tragically, the Club Q shooting was not the first shooting of its kind. Mass shootings are all too common in American life.

3) Six years earlier, in June 2016, a gunman opened fire at Pulse, a LGBTQIA+ nightclub in Orlando, Florida, killing forty-nine people and injuring fifty-three. The Pulse shooting was motivated by hate and extremism and left a profound impact on the nation, sparking conversations about LGBTQIA+ rights and the urgent need for heightened security at similar nightclubs and bars.

4) The Club Q shooting was not solely the result of the violent actions of a single individual. This tragedy was also enabled by systemic failures: a refusal by law enforcement to utilize Colorado's Red Flag Law to prevent the shooter from possessing firearms, and inadequate security measures at Club Q.

5) Law enforcement missed critical opportunities to prevent this tragedy. Colorado's Red Flag Law was specifically designed to temporarily remove firearms from individuals deemed

dangerous to themselves or others. The shooter had a history of violent threats and behavior that clearly warranted intervention.

6) Despite these warnings and ample grounds for seeking an Extreme Risk Protection Order (“ERPO”), El Paso County law enforcement failed to invoke the Red Flag Law, in light of policies against its use. This inaction allowed the shooter continued access to firearms, ultimately enabling the attack on Club Q.

7) At the time of the Pulse nightclub shooting (at or around the 2016 timeframe), Club Q had a robust security team, with as many as five or more security guards, one of whom carried a loaded firearm. Over time, however, this focus on security diminished.

8) Matthew Haynes, the owner of Club Q, managed multiple businesses, including an executive travel company and a real estate business that owned dozens of properties in Colorado Springs. Haynes resided in England, only flying in occasionally to check on his investments.

9) By 2022, despite the increased awareness for greater security needs at LGBTQIA+ nightclubs, Club Q reduced its security team from five employees to just one—and Club Q no longer employed an armed guard.

10) The sole security employee, Jeremiah Griffith, held the title of “Head of Security.” Beyond security, Griffith also served as a barback and food runner, tasked with various roles to maximize profits. Griffith, with little to no training, did his best to protect patrons but was left with an impossible task.

11) G.I.G., Inc. d/b/a Club Q, Club Q, LLC, d/b/a Club Q, 3430 N. Academy, LLC, Academy3430, LLC (collectively, “Club Q”), Matthew Haynes, and Kenneth Romines (together, the “Club Q Defendants”) were negligent in failing to provide adequate security measures, thereby

creating a dangerous environment for Club Q patrons. Despite foreseeable risks, the Club Q Defendants failed to implement effective security protocols, which ultimately led to the tragic loss of life and numerous injuries.

12) The burden of security fell on the patrons themselves. During the Club Q shooting, Richard Fierro, a former Army officer with 15 years of service, bravely tackled the shooter, using the shooter's own gun to subdue him. Two other patrons also made heroic efforts to stop the attack. None of these courageous individuals were employed as security at Club Q, but they instinctively stepped up to protect others in the face of danger.

13) Club Q advertised itself as a "safe place" for LGBTQIA+ individuals. But that was a façade. The Club Q Defendants exercised an utter disregard for the safety of individuals on the premises, violating the duty of care owed to those on the premises.

14) The Club Q shooting was a devastating outcome of both public policy failures and private negligence. While the Club Q Defendants neglected their duty to maintain a safe environment, law enforcement's refusal to implement Colorado's Red Flag Law left the shooter armed and dangerous, leading to this preventable tragedy.

15) Plaintiffs bring this action on their own behalf for actual damages and other equitable relief against Defendant retired El Paso County Sheriff Bill Elder ("Elder") *in his official capacity*, for claims arising from C.R.S. § 13-21-131. While serving as Sheriff, Elder directed the El Paso County Sheriff's Office ("the Sheriff's Office") to adopt a policy prohibiting the use of a state-created statute and tool known as an Extreme Risk Protection Order ("Red Flag Law") codified at C.R.S. § 13-14.5-101, *et seq.* Plaintiffs allege that this policy contributed to the mass

shooting at Club Q on November 19–20, 2022, in which Plaintiffs or their children were injured or killed.

16) Plaintiffs also bring this action on their own behalf for actual damages and for other equitable relief from Defendants G.I.G., Inc. d/b/a Club Q, Club Q, LLC, d/b/a Club Q, 3430 N. Academy, LLC; Academy3430, LLC, Matthew Haynes, and Kenneth Romines for negligence. The Club Q Defendants negligently failed to properly protect invitees to the club, resulting in Plaintiffs or their loved ones being injured or killed during the shooting on November 19–20, 2022.

PARTIES

17) Plaintiff Adriana Vance is a resident of Colorado and a citizen of the United States of America. She brings a claim for her late son, Raymond Green who was a resident of Colorado and a citizen of the United States of America.

18) Adriana Vance petitioned the El Paso County Court for Formal Appointment of Personal Representative for the estate of her son, Raymond Green, on January 29, 2025.

19) Raymond Green was a patron who was visiting Club Q for the first time on the night of the shooting. He attended the venue to watch a drag show and celebrate his friend's birthday with his girlfriend, her family, and other friends. Tragically, he was killed by the shooter near the bar area of the club, amidst the chaos as he tried to protect his girlfriend and their friends. Raymond died of gunshot wounds.

20) Tanya Beal is a resident of Tennessee and a citizen of the United States of America. Tanya brings a claim for her daughter, Kelly Loving, who was also a resident of Tennessee and a citizen of the United States of America.

21) Tanya Beal petitioned the El Paso County Court for Formal Appointment of Personal Representative for the estate of her daughter, Kelly Loving, aka Jonathan Ray Loving, on January 31, 2025.

22) Kelly Loving was a patron who was visiting Colorado from her home in Memphis on the night of the shooting. Kelly was struck by bullets in the bar area while she was ordering drinks, unable to escape the mayhem as the shooter opened fire on the club patrons. As the bullets flew towards Kelly, she used her body to shield a new friend and performer at the club from danger. Kelly died of gunshot wounds.

23) Julia Rump is a resident of Pennsylvania and a citizen of the United States of America. Julia brings a claim for her late son, Derrick Rump, who was a resident of Colorado and a citizen of the United States of America.

24) Julia Rump petitioned the El Paso County Court for Formal Appointment of Personal Representative for the estate of her son, Derrick Rump, on January 30, 2025.

25) Derrick Rump was a long time and beloved bartender at Club Q. For nearly a decade, he was a pillar of the Club Q community, serving as an advisor, friend, and source of encouragement and support to many. On the night of the shooting, Derrick was working behind the bar. Derrick died of gunshot wounds.

26) Charlene Slaugh is a resident of Colorado and a citizen of the United States of America.

27) Charlene Slaugh was a patron of Club Q. She has been visiting the nightclub for over a decade and, on the night of the shooting, was visiting with her brother, James Slaugh, and her future brother-in-law, Jancarlos Del Valle. Charlene was standing in the bar area when she

was struck with bullets. She sustained at least thirteen gunshot wounds. Charlene sustained severe physical injuries, which persist to this day, and continues to suffer from psychological pain and trauma.

28) James Slaugh is a resident of Colorado and a citizen of the United States of America.

29) James Slaugh was a patron of Club Q. James was visiting Club Q with his then boyfriend, Jancarlos Del Valle, and his sister, Charlene. James was standing in the bar area when he was struck in his upper arm. James sustained serious physical injuries, which persist to this day, and continues to suffer from psychological pain and trauma.

30) Jancarlos Del Valle is a resident of Colorado and a citizen of the United States of America.

31) Jancarlos Del Valle was a patron of Club Q who had been visiting the nightclub for over a year. On the night before the shooting, Jancarlos was visiting the nightclub with his then boyfriend James Slaugh and future sister-in-law, Charlene Slaugh. Jancarlos was in the bar area when he was struck in his right leg by a bullet. He sustained serious physical injuries, which persist to this day, and continues to suffer from psychological pain and trauma.

32) John Arcediano is a resident of Colorado and a citizen of the United States of America.

33) John Arcediano was an employee of Club Q but was visiting as a patron on the night of the shooting. John was on the smoking patio when he heard three pops, initially assuming a stereo malfunction. As he approached the door, he locked eyes with the shooter before the glass shattered around him. Wood and glass shards pierced his arm as he hid under a makeshift bar and

called 9-1-1, sending goodbye texts to his friends. He sustained serious physical injuries, which persist to this day, and continues to suffer from psychological pain and trauma.

34) Ashtin Gamblin is a resident of Colorado and a citizen of the United States of America.

35) Ashtin Gamblin was an employee of Club Q working on the night of the shooting. Positioned near the entrance of the nightclub, she was responsible for checking IDs and collecting cover charges. The shooter shot Ashtin nine times in her upper body. She sustained serious physical injuries, which persist to this day, and continues to suffer from psychological pain and trauma.

36) Anthony Malburg is a resident of the State of Minnesota and a citizen of the United States of America.

37) Anthony Malburg was a patron of Club Q. On the night of the shooting, he was visiting to watch the drag show and socialize with friends. Anthony was near the front of the nightclub when the shooter entered. He was shot five times. He sustained serious physical injuries, which persist to this day, and continues to suffer from psychological pain and trauma.

38) Jerecho Loveall is a resident of the State of Colorado and a citizen of the United States of America.

39) Jerecho Loveall was a patron of Club Q. He had been frequenting Club Q for over a decade, and, on the night of the shooting, he was sitting at the bar enjoying a drink. The shooter shot Jerecho in the leg. Jerecho sustained serious physical injuries, which persist to this day, and continues to suffer from psychological pain and trauma.

40) Briana Winningham is a resident of the State of Colorado and a citizen of the United States of America.

41) Briana Winningham was a patron of Club Q. She visited many times with her friend, Jerecho Loveall. At the time the shooter entered Club Q and began shooting, Brianna was outside in the patio area of Club Q. She sustained injuries through shards of glass exploding onto the patio after the shooter shot the windows near the patio area. Briana fled by escaping through a hole in the patio fence. Brianna sustained serious physical injuries and continues to suffer from psychological pain and trauma.

42) Plaintiff Barrett Hudson is a resident of the State of North Carolina and a citizen of the United States of America. At all times relevant to the events within this complaint, Plaintiff Barrett Hudson was a resident of El Paso County, Colorado.

43) Barrett Hudson was a patron of Club Q. As he was preparing to leave the club, Barrett was shot seven times before he escaped through the back door, jumped a fence, and somehow made his way to a convenience store where he waited for help. Barrett sustained serious physical injuries, continues to have three bullets in his body, and continues to suffer from psychological pain and trauma.

44) Defendant retired El Paso County Sheriff Bill Elder is, upon information and belief, currently a resident of the State of Arizona, and at all times relevant was a resident of the State of Colorado. He is a citizen of the United States of America, and was the elected Sheriff of El Paso County, Colorado. He was acting under the color of state law in his capacity as Sheriff of the El Paso County Sheriff's Office.

45) G.I.G, Inc. is a Colorado corporation doing business as Club Q, which operated the restaurant and nightclub known as “Club Q” located at 3430 North Academy Boulevard in Colorado Springs, Colorado.

46) 3430 N. Academy, LLC is a Colorado limited liability company that at all times relevant hereto owned the building located at 3430 North Academy Boulevard in Colorado Springs, Colorado.

47) Academy3430, LLC is a Colorado limited liability company and currently owns the building located at 3430 North Academy Boulevard in Colorado Springs without any significant changes in the property’s intended use or ownership structure. This continuity establishes that Academy3430, LLC is a successor in interest to 3430 N. Academy, LLC and is therefore liable for the conditions and incidents occurring at the property prior to the transfer, including the mass shooting on November 19, 2022.

48) Club Q, LLC was a Colorado limited liability company conducting business in the County of El Paso, with a principal office street address of 6050 Stetson Hills Boulevard, # 309, Colorado Springs, Colorado 80923 and a street and mailing address and primary place of business of 3430 N. Academy Blvd, Colorado Springs, Colorado 80917. Club Q operated as a restaurant and night club in Colorado Springs, Colorado.

49) Matthew Haynes was a resident of the State of Colorado with a residential address at 6050 Stetson Hills Blvd., # 309, Colorado Springs, CO 80923. He was a founding owner of Club Q.

50) At all relevant times, Defendant Kenneth Romines was a resident of the State of Colorado and a co-owner of Club Q.

JURISDICTION AND VENUE

51) This Court has subject-matter jurisdiction over this action because this action is being brought pursuant to C.R.S. § 13-21-313 and the Constitution of Colorado.

52) Venue is proper in El Paso County pursuant to C.R.C.P. 98(c)(1) because the events giving rise to this action occurred in El Paso County, and the Club Q Defendants maintain their principal place of business in El Paso County.

53) Venue is further proper because, at all relevant times, Defendant Elder acted in his official capacity as Sheriff of El Paso County, and his challenged policies were implemented through the El Paso County Sheriff's Office.

54) This Court has general and specific jurisdiction over the Club Q Defendants because they are entities incorporated under Colorado law, maintain places of business in Colorado, transact business in Colorado, and engaged in tortious conduct in Colorado. C.R.S. § 13-1-124.

55) This Court also has general and specific personal jurisdiction over retired Sheriff Bill Elder under C.R.S. § 13-1-124 because, in his capacity as elected Sheriff during the relevant period, he carried out official duties and implemented the policies at issue in Colorado.

FACTUAL ALLEGATIONS

Background

56) On April 12, 2019, Colorado House Bill 19-1177 was signed into law creating a new Article of Title 13 of the Colorado Revised Statutes. The new law found at C.R.S. § 13-14.5-101, *et seq.*, of the Colorado Revised Statutes and is colloquially known as the "Red Flag Law."

57) The Red Flag Law was enacted as a tool to address firearm violence, including mass shootings.

58) The Red Flag Law allows for any “family or household member of the respondent or a law enforcement officer or agency” to petition the court for the removal of weapons of any individual for whom there exists a “reasonable fear of future dangerous acts.” This is accomplished by way of a temporary *ex parte* risk protection order (“TRPO”) followed by an extreme risk protection order (“ERPO”) in appropriate circumstances.¹

59) The Red Flag Law includes due process protections like notice, an opportunity to be heard, and penalties for abuse of the process.² A person who is the subject of a proceeding under the Red Flag Law is also entitled to a court-appointed attorney.³

60) Colorado was not the first state to enact a red flag law. The nation’s first red flag law was passed by Connecticut in 1999 following a mass shooting at the state’s lottery headquarters.

61) Indiana passed a similar, early extreme risk law in 2005—allowing law enforcement to petition for an order allowing seizure of firearms from a person posing a danger to self or others—following a 2004 shooting rampage that killed a law enforcement officer.⁴

¹ Colo. Rev. Stat. § 13-14.5-104.

² Colo. Rev. Stat. § 13-14.5-104; *see also* Colo. Rev. Stat. § 13-14.5-113(2) (“A person who files a malicious or knowingly false petition for a temporary extreme risk protection order or an extreme risk protection order may be subject to criminal prosecution or civil liability for those acts.”).

³ *Id.* at (1)(a).

⁴ Consortium for Risk-Based Firearm Policy, *Extreme Risk Protection Orders: New Recommendations for Policy and Implementation* (Oct. 2020), <https://efsgv.org/wp-content/uploads/EFSGV-ConsortiumReport2020-ERPOs.pdf>.

62) Additionally, in the wake of the February 2018 school shooting at Marjory Stoneman Douglas High School, Parkland, Florida passed its own red flag law.

63) Similar to the case at hand, news outlets after the Parkland school shooting reported that the gunman “displayed multiple signs of mental health issues, instability, and a desire to harm others using firearms.”⁵ Those who were close to the shooter reported these warning signs to Parkland-area law enforcement officials – but no action was taken. However, in that instance, no action was taken because Florida did not yet have a red flag law and law enforcement officials “did not believe [the shooter] had committed a crime,” as distinct from the case at hand, where there was a policy and a resolution dictating that the red flag law would not be used by the Sheriff’s office.⁶

64) A mere twenty-three days after the Parkland school shooting, Florida signed its red flag statute into law—“a testament to the degree of public outrage in a state that had not passed a single piece of legislation tightening firearm regulations since 1996.”⁷ And law enforcement officials “immediately put the red flag law to use.”⁸ Between March and July 2018, in Broward County alone, law enforcement officials filed 108 petitions under Florida’s red flag law.⁹

⁵ Coleman Gay, “Red Flag” Laws: How Law Enforcement’s Controversial New Tool to Reduce Mass Shootings Fits Within Current Second Amendment Jurisprudence, 61 Boston Coll. L. R. 1491, 92 (2020).

⁶ *Id.*

⁷ *Id.* at 1507.

⁸ *Id.*

⁹ *Id.* at 1507–08.

65) As of 2019, seventeen states and the District of Columbia had implemented red flag laws.¹⁰ In the time since, four additional states have passed red flag laws.¹¹

66) Like those in other states, Colorado's red flag law aims to prevent individuals who pose "a significant risk of causing personal injury to self or others by . . . firearm," as determined by a judge, from possessing firearms for up to 364 days.¹²

67) The Red Flag Law provides a legal mechanism to restrict firearm access for individuals displaying a pattern of statements and behaviors indicating an intent to inflict violence.

A Potential Mass Shooting in Colorado Springs was Thwarted by an ERPO in the Summer of 2022

68) Consider the case of another troubled young man who expressed intentions to carry out violence at an LGBTQIA+ bar in Colorado Springs. This individual faced an ERPO earlier in 2022 after making threats. As a result, he was legally prohibited from possessing or obtaining firearms, preventing him from carrying out his plan for a mass shooting.

69) On June 10, 2022, Colorado Springs Police Department Detective Daniel Summey filed a petition for an Extreme Risk Protection Order ("ERPO") against an individual referred to here as "RC."

¹⁰ Jonathan Levinson, What Is A 'Red Flag' Law And Which States Have One?, Jefferson Public Radio (Aug. 6, 2019), <https://www.ijpr.org/law-and-justice/2019-08-06/what-is-a-red-flag-law-and-which-states-have-one> (last visited Nov. 5, 2024).

¹¹ Trevor Hunnicutt, *Kamala Harris visits Parkland shooting site, to push new gun laws*, Reuters (Mar. 24, 2024) (https://www.reuters.com/world/us/us-harris-visit-parkland-shooting-site-push-new-gun-laws-2024-03-23/?utm_source=chatgpt.com) (last visited Nov. 5, 2024).

¹² Colo. Rev. Stat. § 13-14.5-105(2).

70) According to the Petition, Detective Summey had received information that RC “had suicidal and homicidal ideations and planned to carry out a mass shooting at the Territory Days event in Colorado Springs or at an unnamed gay bar.”

71) The Detective was alerted to RC’s threats by a mental health therapist who was treating him.

72) The therapist informed Detective Summey that RC had made “numerous threats to shoot people at Territory Days [a festival] and ‘Queer clubs.’” RC told the therapist that he had decided against a mass shooting at the festival “because there was a large police presence at the event.”

73) In support of the Petition, the Detective stated: “Due to [RC] stating his intent to commit a mass shooting multiple times over several days, committing an overt act to conduct a mass shooting by travelling to Territory Days, and cutting his own wrists with a knife, Your Petitioner believes [RC] is a threat to himself and others, and if he were to procure or come into possession a *[sic]* firearm, he would present a danger to the community.”

74) Additionally, the Petition noted that, “[RC] has stated his intent to procure a firearm to commit a mass shooting. It is unknown if he has access to firearms at the time of his residence has not been searched and he has stated he has access to firearms, and he plans to procure a firearm.”

75) Detective Summey indicated that there were no known legal “prohibitors to [RC] possessing or purchasing a firearm.” Therefore, based on RC’s “threats to commit a mass shooting, to kill his sister, and his suicidal ideations,” the Detective requested that an ERPO be granted.

76) An in-person hearing was held on July 18, 2022. At this hearing, the court issued an ERPO, barring RC from possessing or obtaining firearms for a period of 364 days.

77) Notably, the Petition was filed by Colorado Springs Police Department—*not* a law enforcement official associated with the El Paso County Sheriff’s Office.” That is because El Paso County has a policy dictating that it will not utilize the Red Flag Law, even in situations such as the one at hand, where its own law enforcement personnel were informed, in the course of investigating a situation involving an armed standoff with law enforcement, that the person involved in such standoff later intended to conduct a mass shooting.

El Paso County’s Policy and Resolution Declaring Itself a “Second Amendment Sanctuary” Zone through Refusing to Invoke the Red Flag Law

78) Following the creation of the Red Flag Law, The El Paso County Sheriff’s Office issued a policy entitled “El Paso County Sheriff’s Office Red Flag Statement” (hereinafter “the Policy”) which reads in pertinent part: “A member of the El Paso County Sheriff’s Office will not petition for an ERPO or TRPO unless exigent circumstances exist, and probable cause can be established pursuant to 16-3-301 C.R.S. that a crime is being or has been committed.”¹³ Exhibit 1 – The Policy.

79) The Policy reiterated that “[a]bsent probable cause **and** a signed search warrant, members of the Sheriff’s Office will not conduct searches for firearms.”

80) On March 12, 2019, before Colorado’s Red Flag Law was signed, the Board of County Commissioners of El Paso County, Colorado issued Resolution No. 19-76, entitled “A

¹³ C.R.S. § 16-3-301 is the statute which establishes that a search warrant may be issued by a judge to search for and seize any property which is or has been used as a means of committing a criminal offense.

RESOLUTION BY THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, EL PASO COUNTY, COLORADO, DECLARING EL PASO COUNTY TO BE A SECOND AMENDEDMENT PRESERVATION COUNTY” (hereinafter “the Resolution”). The Resolution reads in pertinent part:

WHEREAS, House Bill 19-1177 infringes upon the inalienable rights of the citizens of unincorporated El Paso County by allowing for family members and law enforcement to petition for the temporary removal of weapons *ex parte* and without notice to lawful gun owners, contemplating search warrants that order peace officers to forcibly enter premises and seize a citizen’s property with no evidence of a crime and shifting the burden of proof to gun owners accused under this law to prove themselves not a danger by clear and convincing evidence after an order for removal; and

...

BE IT FURTHER RESOLVED this Board does hereby pledge not to appropriate funds, resources, employees, or agencies to initiate unconstitutional seizures in unincorporated El Paso County and also affirms its support for the duly elected Sheriff of El Paso County, Colorado and collaborate with the Sheriff to refuse to initiate unconstitutional actions against citizens.

BE IT FURTHER RESOLVED that in coordination with the El Paso County Sheriff, the Board commits to actively resist the bill in its current and subsequent forms, including legal action if warranted, to protect the Second Amendment rights of all lawful gun owners in the state, and not just in El Paso County. We invite all like-minded counties to join us in this effort.

BE IT FURTHER RESOLVED that the Board demands that the legislature cease and desist any further actions restricting the Second Amendment rights of citizens and instead address the real and fundamental challenges of mental illness in our communities.

Exhibit 2 – the Resolution.

81) In the Resolution, the Commissioners also pledged to “actively resist” the legislation, arguing that “by allowing for confiscation of concealed handgun permits by court

order, House Bill 19-1177, improperly inserts the judiciary into the purview of the elected Sheriff in administering his or her concealed handgun permit program under existing Colorado law.”

82) The resolution lists several U.S. Supreme Court cases, including *District of Columbia v. Heller*, 554 U.S. 570 (2008), *McDonald v. Chicago*, 561 U.S. 742 (2010), and *United States v. Miller*, 307 U.S. 174 (1939). The resolution fails, however, to cite or even acknowledge that courts across the country have uniformly upheld red flag laws as constitutional.

83) For instance, three years earlier in *Hope v. State*, the Appellate Court of Connecticut upheld Connecticut’s red flag law as constitutional, holding that the law “does not implicate the second amendment, as it does not restrict the right of law-abiding, responsible citizens to use arms in defense of their homes.” 163 Conn. App. 36, 43, 133 A.3d 519, 524 (2016). The Court cited *District of Columbia v. Heller*, noting that red flag laws are among “presumptively lawful regulatory measures.”¹⁴

84) The Resolution also omitted research suggesting that red flag laws tend to prevent mass shootings.¹⁵

¹⁴ See also *Davis v. Gilchrist Cnty. Sheriff's Off.*, 280 So. 3d 524, 532 (Fla. Dist. Ct. App. 2019) (upholding Florida’s red flag law against a constitutional challenge and finding that “the prevalence of public shootings, and the need to thwart the mayhem and carnage contemplated by would-be perpetrators does represent an urgent and compelling state interest.”); *Redington v. State*, 992 N.E.2d 823, 835, 837 (Ind. Ct. App. 2013) (upholding as constitutional Indiana’s red flag law).

¹⁵ See, e.g., Zeoli AM, et al., *Extreme risk protection orders in response to threats of multiple victim/mass shooting in six U.S. states: A descriptive study*, Preventive Medicine (2022); Wintemute GJ, et al., *Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series*, Annals of Internal Medicine (2019).

85) Instead, the Board asserted, without supporting evidence, that “the best way to prevent gun violence is to address the growing mental health crisis and not to limit the inalienable rights of law-abiding citizens.”

86) The Board held a public hearing to discuss the resolution.¹⁶ At the hearing, Sheriff Elder acknowledge that the Red Flag Law provided law enforcement with a “tool” to remove firearms but expressed concerns that it did not respect the Second Amendment. Then-District Attorney Dan May, similar to the County Commissioners, also opposed the bill, arguing however that an effective law could have prevented the Colorado Springs killings on Halloween. May was referring to a 2015 shooting in which three people were randomly shot and killed by a gunman, who had exhibited warning signs in the days leading up to the shooting.¹⁷

87) At the hearing, six Colorado Springs-area residents voiced support for the Red Flag Law, opposing the proposed resolution. These included a doctor, sociologist, nurse practitioner, former mental health therapist, and founder of an organization to prevent school shootings. One resident argued that an ERPO would have prevented the Parkland School Shooting, stating that the Board was “playing identity politics with the lives in our community.” Other residents highlighted the bills due process protections, the County’s obligation to both protect residents and

¹⁶ A video recording of the public hearing can be accessed through the following link: <http://ec4.cc/c28e2c3fa>.

¹⁷ Kaitlin Durbin, et al., *Family stymied by 'imminent threat law' in trying to avert Halloween shooting rampage*, The Gazette (Oct. 30, 2016) (https://gazette.com/crime/family-stymied-by-imminent-threat-law-in-trying-to-avert-halloween-shooting-rampage/article_b496913d-8eaf-5b50-ba3e-fc226da01a0c.html) (last visited Nov. 7, 2011). District Attorney Michael Allen similarly stated that a red flag law could have prevented the 2015 Halloween massacre in his press conference following the unsealing of the shooter’s 2021 criminal case. See Office of the District Attorney, Fourth Judicial District of Colorado, *Press Conference Today with District Attorney Michael Allen Referencing the Uneal of 21CR3485* (Dec. 8, 2022) (<https://www.facebook.com/share/v/1GZuFYu2kb/>).

its mandate to execute state laws. They emphasized that the bill was developed over two years with extensive input, debated over nine hours, and approved by the general assembly. One resident warned the Board that it cannot “pick and choose” which laws to follow, asking, “What if someone commits a crime? Is the Board of County Commissioners going to be responsible for the deaths that occur?” These words later proved prescient.

88) Nevertheless, the Board passed the resolution unanimously.

89) By the time of the Club Q shooting in November 2022, the El Paso County Sheriff’s Office had not filed a single ERPO petition under the Red Flag Law, consistent with the policies of both the Sheriff’s Office and the Board of County Commissioners.¹⁸

The First Incident

90) The tragic shooting at Club Q was not the first time shooter Anderson Aldrich had drawn the attention of law enforcement officials. El Paso County officials knew he was dangerous and intended to perpetrate a mass shooting.

91) On June 29, 2021, approximately sixteen months prior to commission of Aldrich’s mass shooting at Club Q, Aldrich was arrested and charged with two (2) counts of felony menacing and three (3) counts of first-degree kidnapping (hereinafter “the First Incident”). His bail was set at \$1,000,000. Shortly after his arrest on July 1, 2021, the court entered a Mandatory Protection Order pursuant to C.R.S. § 18-1-1001.

¹⁸ Jesse Paul, et al., *El Paso County Sheriff’s Office, which arrested alleged Club Q shooter in 2021, has never initiated a red flag gun seizure*, The Colorado Sun (Nov. 24, 2022) (<https://coloradosun.com/2022/11/24/el-paso-county-sheriff-club-q-red-flag-law/>) (last accessed Oct. 31, 2024).

92) The affidavit in support of the request for an arrest warrant in the First Incident, signed by Deputy Bethany Gibson of the El Paso County Sheriff's Office, includes the following statements:

Dispatch advised the reporting party, Pamela Pullen . . . called advising her grandson, Anderson Aldrich . . . was making a bomb in the basement. Pamela stated Anderson told her he was going to be the next mass killer and has been collecting ammunition, firearms, bullet-proof body armor and storing it in the basement of the residence. Pamela stated Anderson has recently started creating what she believes is a bomb. Pamela stated Anderson has bragged about wanting to "go out in a blaze.

Pamela stated she and her husband, Jonathan Pullen, . . . have been living in fear due to Anderson's recent homicidal threats towards them and others. Pamela stated she and Jonathan sold the house and plan on moving to Florida which Anderson is not happy about. Pamela stated Anderson told her they couldn't move yet because 'it would interfere with his bomb making.'

Pamela stated Anderson came up from the basement with a Glock handgun and began loading bullets into the magazine. Pamela stated Anderson told her and Jonathan that they weren't leaving to Florida. Pamela stated Anderson pointed the gun at her and Jonathan and told them, 'You guys die today, and I'm taking you with me. I'm loaded and ready. You're not calling anyone.' Pamela stated Anderson took the phone from her hand and told her they were not leaving to go anywhere. Pamela stated Anderson stated he was going to kill them if they didn't promise they wouldn't move to Florida. Pamela stated Anderson told her if they moved, it would interfere with his plans to conduct a mass shooting and bombing. Pamela stated Anderson showed her a box with chemicals in it and stated it was a bomb. Pamela stated Anderson told her it was powerful enough to blow up a police department and a federal building.

At approximately 1615 hours, Anderson contacted Sergeant J. Harmon on the telephone and stated that he let his mother go, and that he sees SWAT members around the house. Anderson told Sergeant Harmon that the SWAT team needs to "get back." Anderson told Sergeant Harmon that he has Tannerite inside the home and that he was going to start shooting through the walls. Anderson also told Sergeant Harmon that he was going to die today.

At approximately 1630 hours, Anderson told the SWAT team negotiator that he has a gas mask, armor piercing rounds, and 'is ready to go to the end.'

93) By the time the Sheriff's Office arrived on scene at Aldrich's grandmother's home, Aldrich was reported to have been wandering from room to room of the house wearing a tactical helmet, bulletproof vest, and cradling a long, black object.

94) Defendant Aldrich recorded himself on a Facebook Live stream and can be heard saying "I've got the shithheads outside, look at that. They've got a bead on me... They've got their fuckin' rifles out. If they breach, I'ma fuckin' blow it to holy hell. So, uh, go ahead and come on in, boys! Let's fuckin' see it!"

95) Ultimately the SWAT team arrived and evacuated ten (10) homes in the area before apprehending Aldrich.

96) About a month later, on August 5, 2021, the court held a bond modification hearing. The same week, Aldrich posted bond and was released from custody.

97) About three months later, the court received a letter from a third party about Aldrich. The letter, written by Robert L. Pullen Jr. and Jeanie M. Streltsoff – the brother and sister of Aldrich's grandfather and legal guardian. In the letter, they detailed their concerns about Aldrich, describing how he had been "brought up without limitations" by his grandparents and had a history of violence, including a high school incident where he attacked his grandfather, requiring an emergency room visit. They also recounted incidents of threats, property damages, and a pattern of the grandparents sleeping with a locked door and a baseball bat for protection.

98) The letter mentioned multiple prior police encounters and stated that, after posting bond, Aldrich used \$30,000 given to him by his grandparents to buy two 3-D printers, which he used to make gun parts.

99) The grandparents' relatives expressed grave concerns for their safety, stating their belief that, if "[Aldrich] is freed that he will hurt or murder my brother and his wife."

100) Despite these warnings, law enforcement did not conduct a follow-up search of Aldrich's residence.

101) In May 2022, Aldrich's counsel announced that he was ready for trial. The district attorney cited difficulties serving the grandparents, who had relocated to Florida, and a continuance was granted.

102) In July 2022, after further issues serving the grandparents, the court refused an additional continuance, and the case was dismissed due to failure to prosecute.

103) Following the dismissal, on August 4, 2022, the district attorney requested that the Sheriff's Office retain evidence until the statute of limitations expired.

104) On August 11, 2022, at Aldrich's request, the court dismissed the protection order and sealed the case records. The district attorney did not object.

105) The next day, Aldrich called the evidence facility for the Sheriff's Office, seeking the return of seized firearms. Law enforcement officials have indicated that the request was denied.

106) At this point, in August 2022, Aldrich could possess or obtain firearms without restriction. Thus, in the months before the Club Q massacre, Aldrich was able to accumulate firearms and ammunition to carry out his plan.

107) Additionally, almost two months before the shooting, on September 28, 2022, the FBI warned law enforcement nationwide about increased threats to the LGBTQIA+ community.¹⁹ The FBI bulletin was widely distributed to law enforcement nationwide, including in the Colorado Springs area. John Cohen, former DHS acting undersecretary of intelligence and analysis, stated that the Club Q shooting is “another growing list of mass shootings by an angry, disaffected, socially disconnected individual from a troubled family who exhibited the same warning signs other shooters have exhibited.”²⁰

108) The judge who presided over the case stated publicly in a hearing: “You clearly have been planning for something else. It didn’t have to do with your grandma and grandpa. It was saving all these firearms and trying to make this bomb and making statements about other people being involved in some sort of shootout and a huge thing. And then that’s kind of what it turned into.” The Judge further noted that Aldrich needed mental health treatment or “it’s going to be so bad.” Further, after the Club Q shooting, Governor Jared Polis stated that “[t]here were many warning signs” about the shooter’s intent to commit a mass shooting, adding, “It appears obvious that an Extreme Risk Protection Order law could have and should have been utilized, which would have removed the suspect’s firearms and could very well have prevented this tragedy.”²¹

¹⁹ Caitlin Dickson, et al., *FBI warned law enforcement about threats against LGBTQ community before Colorado shooting*, Yahoo News (Nov. 22, 2022) (<https://www.yahoo.com/news/fbi-warned-law-enforcement-about-threats-against-lgbtq-community-before-colorado-shooting-001311296.html>) (last visited Nov. 8, 2024).

²⁰ *Id.*

²¹ Jim Mustian, et al., ‘Next mass killer’: *Dropped case foretold Colorado bloodbath*, Assoc. Press (Dec. 6, 2022) (<https://apnews.com/article/colorado-gun-politics-springs-government-and-b50a5145593afe1f7f4c18ac06f70600>) (last accessed Oct. 10, 2024).

Failure to use the Extreme Risk Protection Order

109) Prior to Aldrich's attack upon Club Q on November 19, 2022, he was known to use anti-LGBTQIA+ rhetoric, including stating online that he hated the LGBTQIA+ community, and causing a former job-supervisor to receive thousands of spam email messages containing anti-LGBTQIA language.²²

110) On November 6, 2022, Aldrich utilized an online platform to disseminate a manifesto purportedly authored by someone who committed a mass shooting earlier that year containing the statement: "Transgenderism however is a mental illness and should be addressed as such."²³

111) On November 15, 2022, Aldrich disseminated a zip file containing what purported to be records related to another mass shooting at an LGBTQIA+ establishment and sent a photograph depicting a rifle sight pointed at a Gay Pride Parade, accompanied by the comment "lol."²⁴

112) In his home, Aldrich had a gun target in the shape of a human torso outlined with rainbow stripes.

113) According to an online acquaintance, Aldrich expressed hatred towards the LGBTQIA+ community and used anti-gay slurs while gaming.²⁵

²² Government's Sentencing Statement, *United States of America v. Anderson Lee Aldrich*, United States District Court for the District of Colorado.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

114) The lead investigator for the Club Q shooting case, Colorado Springs Police Detective Rebecca Joines, testified that Aldrich “expressed hatred towards . . . the LGBTQ community” and that Aldrich sent a photograph of a rifle scope aimed at a gay pride parade to a friend. Detective Joines also testified that Aldrich had an obsession with homicide.

115) Despite having arrested Aldrich for his threats of violence necessitating a neighborhood evacuation, law enforcement did *not* seek an Extreme Risk Protection Order.

116) The Sherriff’s Office was well-aware of the threat that Aldrich caused to the community after the June 2021 incident (the first incident), and that he continued to have access to weapons (especially firearms) after his criminal case was dismissed on July 5, 2022. Yet, the Sherriff’s Office did nothing to protect the community.

117) El Paso County Sheriff Bill Elder has admitted that his office has *never* initiated an extreme risk protection order. He has said his office would wait for family members to ask a court for surrender orders and not petition for them on its own accord unless there were “exigent circumstances.”

Club Q & Security

118) In November 2022, Club Q was one of the few nightclubs in Colorado Springs, Colorado which catered to the LGBTQIA+ community.

119) Club Q was founded by Matthew Hanes in 2002.

120) Club Q was co-owned by Matthew Haynes and Kenneth Romines.²⁶ At some point prior to the shooting, Nicholas Grezecka joined as a co-owner.²⁷

121) Haynes and Romines also owned Buddies Private Club, an all-male private bathhouse located in the same building as Club Q.

122) The Club Q Defendants were motivated to purchase the real estate after reportedly seeing another local bar serving the LGBTQIA+ community fail. In Haynes' words, he "bought that real estate (Club Q) intentionally because other gay clubs have come and gone in Colorado Springs. By owning that real estate and making our mark there it was intended to be long term."²⁸

123) Haynes frequently referred to Club Q as a "safe space," describing it as a "a family of people more than a place to have a drink and dance and leave."²⁹

124) Despite these apparent references to safety, Haynes and his co-owners repeatedly refused to hire adequate security for the club.

125) The entities associated with Club Q, including G.I.G., Inc., Club Q, LLC, and 3430 N. Academy, LLC, have maintained a corporate structure that has not been honored in practice. Instead, the Club Q entities were operated as mere alter egos of their individual owners, including Matthew Haynes, who exercised complete and personal control over all aspects of the business.

²⁶ Jesse Bedayn, et al., Some say gay club shooting was 'desecration' of safe space, National Public Radio (Nov. 21, 2022) (last accessed Oct. 7, 2024) (<https://www.kunc.org/news/2022-11-21/some-say-gay-club-shooting-was-desecration-of-safe-space>).

²⁷ Ryan Warner, 'Club Q will go on': Co-owner of the Colorado Springs LGBTQ club speaks about the healing process, visiting the memorial and the future of Club Q, Colorado Public Radio (Dec. 2, 2022) (last accessed Nov. 7, 2024) (<https://www.cpr.org/2022/12/02/club-q-co-owner-nick-grzecka-interview/>).

²⁸ Jesse Paul, et al., Club Q was opened 21 years ago to ensure Colorado Springs' LGBTQ community would have a long-term home, The Colorado Sun (Nov. 20, 2022) (last accessed 10/7) (available at <https://coloradosun.com/2022/11/20/club-q-history-colorado-springs/>).

²⁹ *Id.*

126) The Club Q entities failed to operate as distinct corporate entities, with corporate formalities frequently ignored and assets commingled between the entities and their owners, particularly with Matthew Haynes.

127) The Club Q entities were under-capitalized and under-insured from inception and throughout their operation. This deliberate under-capitalization ensured that the Club Q entities lacked sufficient assets to cover foreseeable liabilities, including the provision of adequate security measures for guests.

128) Rather than allocating appropriate funds for necessary safety measures, such as security personnel, training, and facility improvements, the Club Q entities kept operating expenses low, prioritizing profit over safety, leaving Club Q unable to provide a reasonably safe environment for its guests and invitees.

129) Haynes and other owners failed to adhere to formal procedures, treating the Club Q Entities as extensions of their personal financial interests. The absence of formal corporate practices allowed Haynes and others to act in their own interests rather than upholding the duties and responsibilities of corporate officers.

130) Haynes and other owners of the Club Q Entities knowingly used the corporate structure to shield themselves from personal liability while failing to fund or maintain a safe and adequately managed venue for patrons.

131) This intentional misuse of the corporate form allowed the owners to extract profits without bearing the necessary costs associated with operating a safe business. By neglecting proper security and safety measures, the Club Q Defendants recklessly disregarded known risks to Club Q patrons, resulting in foreseeable harm.

- 132) Starting in 2012, Club Q employed Jeremiah Griffith as the Head of Security.
- 133) At the time, Jeremiah managed a staff of four or more Club Q employees providing security at the club.
- 134) During that period, Club Q employed an armed security guard.
- 135) Eventually, Griffith transitioned from Head of Security to working as a DJ until he left the club around 2018.
- 136) When the pandemic hit, Club Q reduced its security personnel from five to just two and eliminated its armed security guard.
- 137) Club Q faced severe financial difficulties, and the Club Q Defendants were struggling to keep the club profitable.
- 138) In 2021, Griffith returned to Club Q as Head of Security.
- 139) Club Q had hired a new General Manager.
- 140) Griffith's responsibilities now included security and various odd jobs, including occasionally checking IDs, bar backing, and serving food.
- 141) Club Q did not conduct background checks before hiring any of its staff, including security personnel.
- 142) Griffith was unlicensed and could not obtain a security license due to his criminal background, including criminal convictions for sex-related offenses, forgery, and counterfeiting.
- 143) Griffith received no formal training in active shooter training at the club.
- 144) He was underpaid, forcing him to work additional jobs in construction and at a pizza restaurant.

145) Griffith was instructed to monitor closed-circuit cameras to ensure that underage patrons were not drinking, as the club risked losing its liquor license if caught serving minors.

146) When the shooting began, Griffith locked down Buddies, as Haynes and Club Q Management had directed him to prioritize protecting Buddies, which was more profitable than Club Q.

147) Club Q employed inadequate security policies, procedures, and safeguards to detect improper and/or prohibited items and conduct, such as those used, and actions taken, by Aldrich.

148) Additionally, the physical layout of Club Q was inherently unsafe. Rather than serving as a “safe space,” it was structured like a death trap.

149) Club Q had only one functional door for egress: the front door, where an employee was stationed, unarmed and unprepared for the shooter on November 19, 2022. The back door, which led to an alleyway, was completely blocked, offering no practical or safe means of exit.

150) There was also a smoking patio which was completely enclosed by a tall fence, preventing safe exit. Some patrons had to flee the shooting spree by tearing the fence apart.

151) In addition to the risks posed by a mass shooter, Club Q’s lack of adequate exits created ongoing safety hazards for its patrons. These included the inability to safely evacuate in the event of a fire or to escape physical altercations on the dance floor.

152) Most of Club Q’s security was deliberately geared towards surveilling, monitoring, and observing employees and patrons, to monitor employee conduct, reduce internal theft, monitor capacity, and ensure no underage drinking.

153) These security procedures were intended to maximize Club Q’s profits, rather than ensure patrons’ safety.

- 154) Club Q did not provide active shooter training for its staff.
- 155) The Club Q Defendants knew or should have known that they were required to perform background checks for security personnel.
- 156) The Club Q Defendants knew or should have known that more security was necessary for the club.
- 157) The Club Q Defendants knew or should have known that security personnel required training.
- 158) The Club Q Defendants knew or should have known that an armed security guard was necessary at the Club.
- 159) The Club Q Defendants knew or should have known that active shooter training was essential for Club Q employees.
- 160) On the night of the shooting, Ashtin Gamblin was responsible for checking IDs and collecting cover charges at the entrance.
- 161) Club Q did not have a policy of patting down or wandng patrons with a handheld metal detector before entry.
- 162) In fact, Club Q did not have any staff located on the exterior of the building to screen or monitor patrons as they entered the premises.
- 163) Even though Club Q had purchased several handheld metal detectors, the Club Q Defendants decided not to use them, fearing it would hurt Club Q's brand image as a "safe space."
- 164) The Club Q Defendants knew or should have known that patrons needed to be patted down before entering the club.

165) The Club Q Defendants knew or should have known that patrons needed to be wanded down before entering the club.

166) The Club Q Defendants knew or should have known that Club Q needed staff on its exterior to perform safety checks on patrons entering the premises.

167) It was foreseeable to Defendants that something catastrophic and/or similar to this event could occur.

168) In 2016, a mass shooting was perpetrated at Pulse Nightclub, an LGBTQIA+ nightclub in Orlando. At the time of the shooting, the Pulse attack was the deadliest mass shooting in U.S. history, with forty-nine fatalities.

169) The Pulse nightclub mass shooting received national media attention. In the wake of Pulse, clubs and concert venues began reevaluating their security policies and procedures.

170) In a 2016 article, following the Pulse nightclub attack, David A. Yorio, the managing director of Citadel Security Agency, a private security based in New York City, stated that nightclubs need heightened security measures.³⁰

171) Yorio stated: “The minimum should be walk-through metal detectors, wandering, and, specifically, permanent venues specifically should be designed in a way that you can lock down the venue or prevent further entry past certain points[.]”³¹

³⁰ The Takeaway, When an Armed Guard Isn't Enough: Venues, Clubs Review Security After Orlando, WNYC Studios (June 15, 2016) (last accessed Oct. 11, 2024).

³¹ *Id.*; see also Ray Waddell, Security Experts Talk Concert Safety Challenges, Logistics After Orlando Shootings, Hollywood Reporter (June 14, 2016) (last accessed Oct. 11, 2024) (<https://www.hollywoodreporter.com/news/general-news/security-experts-talk-concert-safety-902757/>).

172) In addition to violent occurrences at other nightclubs, like Pulse, Club Q was on notice of violence occurring on its own premises. For instance, in or around 2021, there was an attempted stabbing at Club Q.

173) Additionally, in or around October 2022, just a few weeks before the mass shooting, when an employee heard gunshots nearby, Club Q implemented its version of a “lockdown.” Employees, including security staff, lacked formal training on handling an active shooter or other emergencies. As a result, the head of security directed patrons to enter a “lockdown,” which merely involved prohibiting entry to or exit from the club for a time. Employees were instructed to “occupy” patrons to keep them unaware of the situation. There was no established protocol to direct patrons to a safe or sheltered area of the building, nor was there a clear mandate on how should contact 9-1-1. Club Q employees had no training or guidance on how to respond to gunfire.

174) Further, in the weeks leading up to the shooting, Club Q employees received information about potential threats of violence. On at least two occasions, employees answering the club’s phone heard threats of “killing” people at the venue or other violent statements. Employees were instructed not to take these threats seriously, as they were told such threats were to be expected at an LGBTQIA+ establishment such as Club Q.

175) Additionally, Club Q was aware of the potential for violence due to its status as a nightclub serving the LGBTQIA+ community, as well as the broader climate of violence and hostility during that period.

176) Transgender Day of Remembrance (TDOR) is observed annually on November 20 to honor individuals who have lost their lives to anti transgender violence and discrimination. Matthew Haynes was fully aware of the significance of this date, as a drag brunch was scheduled

for the morning of November 20, 2022—hours after the shooting.³² Haynes should have recognized the heightened risks associated with this date and taken additional precautions to address potential security concerns surrounding this occasion.

177) According to GLAAD, a non-profit LGBTQ advocacy organization, there were 141 incidents of anti-LGBTQ protests and threats targeting drag events across the United States in 2022 alone. Several of these incidents involved violence, including acts perpetrated by extremist groups such as the Proud Boys. That same year saw significant legislative efforts in at least six states and at the federal level to curtail or ban drag performances, making such events increasingly controversial and vulnerable to violence.³³

178) The Human Rights Campaign Foundation reports that “fatal violence against transgender and gender non-conforming people is not restricted to one location – to date, cases have been recorded in 167 cities and towns, across 38 states, territories and the District of Colombia.”³⁴

179) Guns are involved in most fatalities. “Gun violence is a major contributing factor to the number of fatalities against transgender and gender non-conforming people. Since 2013, more than two-thirds of recorded fatalities—209 of 304 (i.e. 69%) involved a firearm.

³² Emma Bubola, *Attacked Club Had Planned Transgender Day of Remembrance Event for Sunday*, N.Y. Times (Nov. 20, 2022), <https://nyti.ms/4ftkVpD>.

³³ GLAAD, *Drag events faced at least 141 protests and significant threats in 2022* (Nov. 21, 2022), <https://bit.ly/4fqsj5h>.

³⁴ Human Rights Campaign Foundation, *An Epidemic of Violence 2022: Fatal Violence Against Transgender and Gender Non-Conforming People in the United States in 2022* (Dec. 5, 2022), <https://bit.ly/3OaXZ2E>.

Approximately three quarters (74%) of [transgender] fatalities in 2022, or 25 out of 34, involved a firearm/gun violence.³⁵

180) In 2021, fifty-nine transgender individuals were killed, marking the highest number recorded at the time and signaling that deaths from transgender bias-motivated violence were on the rise in 2022.³⁶

181) These disturbing statistics and the widespread availability of firearms increased the risks for LGBTQIA+ spaces like Club Q.

182) Aldrich knew that Club Q was a vulnerable target.

183) Upon information and belief, the Club Q Defendants even received information regarding a potential threat of violence targeted at the LGBTQIA+ community around the time of Aldrich's shooting.

184) Aldrich knew that Club Q was a vulnerable target and wanted to maximize the impact of his act.

185) Between August 2021 and October 2022, Aldrich visited Club Q on at least seven occasions.³⁷ On the night of the shooting, Aldrich entered the Club around 10:15 p.m., stayed briefly, then left.³⁸

³⁵ *Id.*

³⁶ *Id.*

³⁷ Dan Zak, The Hero: Rich Fierro Fought in America's War on Terror. Then Terror Found Him at Home, Wash. Post (Mar. 16, 2024) (<https://www.washingtonpost.com/style/of-interest/interactive/2024/richard-fierro-club-q-shooting/>).

³⁸ Olivia Prentzel, Police found rainbow-colored shooting target, map of Club Q in suspect's apartment, The Colorado Sun (Feb. 22, 2023) (<https://coloradosun.com/2023/02/22/club-q-preliminary-hearing/>).

186) Aldrich asked targeted questions during his visits to Club Q, inquiring about evacuation procedures and details regarding security staff. Despite Aldrich's suspicious questioning, Club Q allowed him to frequent the club, because Club Q failed to implement procedures to flag suspicious patrons, in accordance with Club Q's policy of maximizing profits by minimizing the screening of patrons.

187) Club Q knew or should have known of the prevailing industry opinion for potential active or mass shooters. Unfortunately, despite the increased risk of mass shooters, and industry opinion recommending increased security measures, Club Q decreased its security following the Pulse attack.

188) The events leading up to, in addition to, the mass shooting were foreseeable because Club Q knew of this industry opinion and had notice and/or knowledge of prior incidents and/or similar wrongful acts occurring both at similar nightclubs and on Club Q premises.

189) Despite having knowledge that an active shooter was reasonably foreseeable, Club Q failed to have adequate and effective plans, policies, and procedures in place to deal with an active shooter.

190) In the timeframe immediately leading up to the mass shooting, Club Q significantly reduced its workforce dedicated to security.

191) But for these inadequate and defective security policies, procedures, and safeguards employed by Club Q, among other negligent conduct, the mass shooting would not and could not have occurred.

192) But for Club Q's reduction in security personnel, among other negligent conduct, the mass shooting would not and could not have occurred.

193) But for Club Q's failure to intervene, among other negligent conduct, Plaintiffs would not have been injured.

194) But for Club Q's failure to take basic minimum precautions that are reasonably expected from a nightclub owner, among other negligent conduct, Plaintiffs would not have been injured.

195) But for Club Q's focus on surveilling, monitoring, and observing employees and patrons, to monitor employee conduct, reduce internal theft, monitor capacity, and ensure no underage drinking and other acts that may affect its profits, Plaintiffs would not have been injured.

196) In addition to Club Q's financial difficulties, Haynes began focusing more on his other business ventures over time.

197) For instance, in 2008, Haynes founded Eclipse Management LLC, a company offering chartered jet services. It initially managed a single business jet.³⁹

198) Around 2012, Haynes purchased three Eclipse Aviation business jets, each priced at over \$2 million.⁴⁰ Since then, Haynes has expanded his business to include chartered jet services and pilot instruction.⁴¹

199) Haynes also has real estate in Colorado Springs, owning and managing dozens of properties in the area.

³⁹ Wayne Heilman, Chartered Jet Service Providers New Option to Business Travelers, The Gazette (Dec. 1, 2012) (last accessed Oct. 7, 2024) (https://gazette.com/news/chartered-jet-service-provides-new-option-to-business-travelers/article_bf71d38b-8235-5d14-9c91-48ac73f58833.html).

⁴⁰ *Id.*

⁴¹ Matthew Haynes is the registered agent for EJet500 Pilot Training and Services, LLC, a company providing private instruction. The company's website is <https://ejet500.com/>.

200) To date, Defendant Haynes has 24 active LLCs registered to his name in the State of Colorado, including 11 residential real estate properties. Club Q is registered as a Tavern/Pub, and Buddies nightclub (which shared a space with Club Q) is registered as a Club. He also has an additional four delinquent LLCs, and two dissolved LLCs.

201) Despite Haynes ownership interest in Club Q, he focused more on these other, more lucrative business ventures over time, to the detriment of Club Q and its guests.

202) In discussing the rebuilding efforts at Club Q following the shooting, Haynes stated that the plan for re-opening has been “dominated by safety concerns” that “one should never have to plan for when opening a business.”⁴² This statement shows Haynes’ continued reluctance to invest in security at the nightclub—even *after* a mass shooting killing five and injuring many others.

203) Club Q was aware that as a LGBTQIA+ club in El Paso County Colorado and within the United States it was subject to growing threats of violence.

204) Defendant Matthew Haynes, the owner and operator of Club Q, was not at the club the night of the shooting, November 19, 2022. He had a single employed security guard on staff that evening.

205) Club Q was derelict in its security measures in the following ways:

- a. Security guards were not trained in emergency response procedures;
- b. Security guards operated without licensure;

⁴² Graig Graziosi, et al., *Club Q owner says he’s had to practically make bar ‘bulletproof’ ahead of re-opening*, The Independent (June 26, 2023) (<https://www.the-independent.com/news/world/americas/crime/club-q-shooting-owner-bulletproof-b2364576.html>) (last accessed Nov. 7, 2024).

- c. At least one security guard was legally prohibited from obtaining a license at all because he was a felon and sex offender;
- d. Security guards did not pat down or wand patrons as they entered;
- e. Security guards were unarmed; and
- f. There were far too few security guards on staff.

206) The lone security guard on duty at Club Q on November 19, 2022, provided guests with a false sense of safety and a façade of compliance with the Club Q Defendants' duty to exercise reasonable care in protecting their guests.

207) Not only were there not enough security staff, but those they hired were no more effective at preventing violence than the patrons.

The Attack on Club Q on November 19, 2022

208) Upon information and belief Defendant Aldrich had been planning an attack against the LGBTQIA+ community for over a year.

209) Upon information and belief Aldrich had visited at least one other club before ultimately deciding on Club Q as his target presumably due to its lack of security measures.

210) At approximately 11:54 p.m. on November 19, 2022, Aldrich parked his vehicle near the entryway of the door of Club Q.

211) Aldrich remained in the vehicle for several minutes, uploading four videos to a live streaming app on his phone.⁴³

⁴³ Olivia Prentzel, Police found rainbow-colored shooting target, map of Club Q in suspect's apartment, The Colorado Sun (Feb 22, 2023) (<https://coloradosun.com/2023-02-22-club-q-preliminary-hearing/>).

212) Eventually, Aldrich approached Club Q wearing a tactical vest and ballistic plates, armed with an AR-15 style assault rifle and a handgun, together with extra magazines loaded with ammunition.

213) Aldrich entered Club Q without restriction and began shooting at patrons and staff.

214) Aldrich shot several Club Q employees in the vestibule entryway of Club Q.

215) Aldrich continued to shoot indiscriminately throughout various areas of Club Q, including the bar area, the dance floor area, and on towards the patio area.

216) Several brave patrons of the Club overpowered and restrained Aldrich to bring an end to his shooting spree.

217) Aldrich was apprehended by police shortly after midnight on November 20, 2022.

218) Paramedics and emergency personnel responded quickly, helping to minimize the loss of life.

219) Aldrich was ultimately charged in El Paso County District Court with 317 criminal counts, including first-degree murder, attempted first-degree murder, assault, and bias-motivated crimes causing bodily injury.⁴⁴

220) On June 26, 2023, Aldrich pleaded guilty to five counts of murder and forty-six counts of attempted murder and pleaded no contest to two hate crimes.⁴⁵ As part of the plea

⁴⁴ Alaa Elassar, Club Q shooting suspect Anderson Aldrich appears in court, charged with 12 new counts, CNN (Jan. 13, 2023) (last accessed Oct. 7, 2024) (<https://www.cnn.com/2023/01/13/us/club-q-shootin-suspect-court/index.html>).

⁴⁵ CBS News Colorado, Shooter in attack that killed 5 at Colorado Springs gay nightclub pleads guilty, gets life in prison, CBS (June 26, 2023) (last accessed Oct. 7, 2024) (<https://www.cbsnews.com/colorado/news/anderson-lee-aldrich-life-sentence-guilty-colorado-springs-club-q-shooting/>).

agreement, he was sentenced to five consecutive terms of life in prison without the possibility of parole.⁴⁶

221) Following his sentencing in El Paso County District Court, Aldrich pleaded guilty in federal court to seventy-four federal hate crime charges and gun charges in connection with the shooting. He was sentenced in federal court to fifty-five concurrent life sentences to run consecutive to 190 years.”⁴⁷

222) FBI Director Christopher Wray stated: “The 2022 mass shooting at Club Q is one of the most violent crimes against the LGBTQIA+ community in history[.] The FBI and our partners have worked tirelessly towards this sentencing, but the true heroes are the patrons of the Club who selflessly acted to subdue the defendant.”⁴⁸

223) Notably absent from Director Wray’s statement was any mention of efforts undertaken by employees or owners of Club Q. That is because patrons were forced to act given the woefully inadequate security provided by Club Q.

224) During his shooting spree, Defendant Aldrich killed five individuals who were in Club Q and caused injury to at least twenty-five others.

225) Many of the victims who survived Aldrich’s attack sustained catastrophic, lifelong, and/or debilitating injuries.

⁴⁶ Elliott Wenzler, *Club Q shooter pleads guilty, is sentenced to life in prison without the possibility of parole*, The Colorado Sun (June 26, 2023), <https://bit.ly/3AGF0tC>.

⁴⁷ Dakin Andone, et al., *Club Q shooter sentenced to life in prison plus 190 years after pleading guilty to federal hate crime and gun charges*, CNN (June 19, 2024), <https://bit.ly/4evqLph>.

⁴⁸ Office of Public Affairs, Dep’t of Justice, *Former Colorado Resident Sentenced to Life in Prison for Federal Hate Crimes and Firearm Offenses Related to Mass Shooting at Club Q* (June 18, 2024), <https://bit.ly/4fwUbF0>.

Post-Shooting

226) Following the mass shooting at Club Q on November 19, 2022, then acting El Paso County Sheriff, Bill Elder filed his Motion to Unseal Criminal Justice Records related to the First Incident, stating through legal counsel, that “Anderson Aldrich is alleged to have killed five people and wounded seventeen others during a **hate-filled assault on a Colorado Springs LGBTQ+ nightclub**” and that “**Aldrich is alleged to have perpetrated a heinous mass shooting targeted at the LGBTQ+ community.**” (emphasis added).

227) After the records related to the First Incident were unsealed, the Sheriff’s Office issued an official statement confirming that:

[a]fter obtaining search and arrest warrants, the Sheriff’s Office Tactical Support Unit (comprised of SWAT, K9, Crisis Negotiators, EOD, Tactical Medics from the Colorado Springs Fire Department, and Tactical Dispatchers) apprehended Aldrich after a standoff and negotiation at the home on Rubicon Drive.

228) Now under significant scrutiny by the press and the public, the Sherriff’s Office claims that they did not have access to the records that would have supported an ERPO for Aldrich, because his criminal case was sealed after it was dismissed.

229) However, that defies logic, because not only did the Sherriff’s Office serve as the investigating agency for the First Incident, but the criminal record was also not sealed until thirty days after the case was dismissed. In that time, the Sheriff’s Office had ample opportunity to draft a powerful ERPO request.

230) The mass shooting that occurred at Club Q was foreseeable and if proper action had been taken it would have been preventable. First, Sheriff Bill Elder was on notice that Aldrich was a danger to the community, and had access to firearms, yet did nothing to address that clear threat. Second, the Club Q Defendants could have easily prevented this tragedy had they simply

used reasonable care to protect their guests, rather than implementing woefully inadequate security.

231) If the Club Q Defendants had hired proper security and implemented appropriate security protocols as required by best practices within the industry, the devastation of this mass shooting would have been prevented.

COUNT I – C.R.S. § 13-21-131
(Retired El Paso County Sheriff Bill Elder)

232) Plaintiffs re-allege and incorporate by reference herein all the allegations contained above.

233) C.R.S. § 13-21-131 provides:

A peace officer, as defined in section 24-31-901 (3), who, under color of law, subjects or causes to be subjected, including failing to intervene, any other person to the deprivation of any individual rights that create binding obligations on government actors secured by the bill of rights, article II of the state constitution, is liable to the injured party for legal or equitable relief or any other appropriate relief.

234) Retired Sheriff Bill Elder, at all times relevant to these claims, was a peace officer as defined in C.R.S. § 24-31-901(3), as he was employed as the Sheriff of El Paso County, Colorado, and was required to be certified by the P.O.S.T. board pursuant to C.R.S. § 16-2.5-102.

235) At all times relevant, Defendant Bill Elder was the duly elected Sheriff of El Paso County, Colorado, and was vested with the authority, duties, and powers of that office pursuant to Colorado law.

236) In his capacity as Sheriff, Elder exercised supervisory authority over all El Paso County Sheriff's deputies and promulgated official policies, customs, and practices governing law enforcement conduct within the county.

237) Elder acted, and failed to act, under color of state law in that his decisions, omissions, and policies were made in his official capacity as Sheriff and were carried out through his statutory and constitutional authority to enforce the laws of the State of Colorado.

238) Specifically, Elder acted under color of law when he implemented and enforced a departmental policy that prohibited deputies from utilizing Colorado's Extreme Risk Protection Order statute, thereby directing the conduct of peace officers under his command.

239) Elder also acted under color of law when, despite express notice that Anderson Aldrich posed a significant risk of carrying out a mass shooting, he chose not to exercise his statutory authority to petition for an Extreme Risk Protection Order, a duty available to law enforcement officers acting pursuant to state law.

240) Elder's actions and inactions, taken in the course of his official duties as Sheriff, were cloaked with the authority of state law and directly resulted in the deprivation of Plaintiffs' constitutional rights under Article II of the Colorado Constitution.

241) At all times relevant, Plaintiffs—including those present at Club Q on November 19–20, 2022, and the family members of those killed or injured—had clearly established rights under Article II of the Colorado Constitution, including the rights to life, liberty, bodily integrity, due process of law, equal protection of the laws, and familial association, companionship, and consortium, free from unlawful state interference.

242) Defendant Elder, acting under color of law, deprived Plaintiffs of these rights through his deliberate indifference and failure to act upon express notice that Anderson Aldrich posed a severe and imminent threat to public safety.

243) Sheriff Elder caused Plaintiffs to be subjected to deprivation of their due process

and other rights under the Colorado Constitution by failing to seek an Extreme Risk Protection Order with respect to the shooter, and by preventing, through his Policy, any Sheriff's deputy from seeking an ERPO.

244) Even though he was on express notice that Aldrich posed a significant threat as a mass shooter, Elder allowed Aldrich to regain access to firearms and ammunition, ignoring warnings including specific evidence that he had petitioned to seal the criminal records from the First Incident and sought the return of seized firearms.

245) Approximately sixteen months prior to the mass shooting at Club Q, the Sheriff's Office was informed, as set forth in its own affidavit, that Aldrich:

- a. said he was going to be the next mass killer;
- b. had been collecting ammunition, firearms, and bullet-proof body armor;
- c. was creating a bomb;
- d. told his grandparents that if they moved to Florida, it would interfere with his plans to conduct a mass shooting and bombing;
- e. showed his grandmother a box with chemicals and stated it was a bomb powerful enough to blow up a police department and a federal building;
- f. told Sergeant Harmon that he had Tannerite inside the home and that he was going to start shooting through the walls;
- g. told the SWAT team negotiator that he had a gas mask, armor piercing rounds, and "is ready to go to the end."

246) Furthermore, the Sheriff knew that in the absence of an ERPO, Aldrich would be

able to obtain weapons. As acknowledged by the Sheriff's Office in its official statement dated December 8, 2022, "[t]he judge also dismissed the MPO. Aldrich's lawful ability to possess firearms was restored at that time."

247) Elder's deliberate choice to maintain a "no-ERPO" policy, in the face of clear statutory authority to prevent foreseeable violence, constituted state action that deprived Plaintiffs of their constitutional rights to life, liberty, bodily integrity, and family integrity without due process of law.

248) At all times relevant to the allegations within this complaint, Elder was acting under color of state law in his actions and inactions, in his capacity as Sheriff of El Paso County, Colorado.

249) Bill Elder had a duty to enforce the state laws within El Paso County, Colorado, including maintaining peace and order. This duty encompassed crime prevention, law enforcement patrols, emergency responses, and the implementation of laws such as Colorado's Red Flag Law to mitigate threats to public safety.

250) As a result of the foregoing, Bill Elder is liable under state law for maintaining deliberately indifferent policies, customs, procedures, and decision-making that resulted in the violation of the Plaintiffs' rights under the Colorado Constitution, including their due process rights and deprivation of their liberty and bodily integrity without due process of law.

251) As a direct and proximate result of Elder's actions and omissions, the shooting at Club Q occurred, causing Plaintiffs to suffer the ultimate deprivation of rights: loss of life for decedents, grave bodily injury for survivors, and the destruction of familial relationships for family-member Plaintiffs.

252) Plaintiffs were thereby subjected to extreme physical pain and suffering, the loss of fundamental constitutional protections, and profound mental anguish, all stemming from Elder's unconstitutional exercise and misuse of state authority.

253) Plaintiffs are entitled to recover their compensatory and special damages, including for extreme physical pain and suffering, loss of constitutional rights, mental anguish, and their attorney fees and costs pursuant to C.R.S. § 13-21-131, including prejudgment interests and costs as allowable by federal law.

COUNT II – Wrongful Death (Section 13-21-131)

(Wrongful Death o/b/o Kelly Loving resulting from Section 13-21-131 claim – Defendant Elder)

254) Plaintiffs re-allege and incorporate by reference herein all the allegations contained above.

255) Tanya Beal is the natural and biological mother of Kelly Loving.

256) Tanya Beal, as the natural and biological mother of Kelly Loving, has standing to pursue the claims stated against all Defendants pursuant to Colorado's Wrongful Death Act, C.R.S. 13-21-202 and § 13-21-203.

257) Defendant Bill Elder is liable under C.R.S. § 13-21-131 for violating the rights of Kelly Loving secured by the Constitution of the State of Colorado through his deliberate indifference, failures, actions, and inactions while serving as El Paso County Sheriff.

258) As a direct and proximate result of Defendant Elder's conduct, Kelly Loving suffered severe injuries, damages, and an untimely death.

COUNT III - Wrongful Death (Section 13-21-131)

(Wrongful Death o/b/o Raymond Green resulting from Section 13-21-131 claim – Defendant Elder)

259) Plaintiffs re-allege and incorporate by reference herein all the allegations contained above.

260) Adriana Vance is the natural and biological mother of Raymond Green.

261) Adriana Vance, as the natural and biological mother of Raymond Green, has standing to pursue the claims stated against all Defendants pursuant to Colorado's Wrongful Death Act, C.R.S. 13-21-202 and § 13-21-203.

262) Defendant Bill Elder is liable under C.R.S. § 13-21-131 for violating the rights of Raymond Green secured by the Constitution of the State of Colorado through his deliberate indifference, failures, actions, and inactions while serving as El Paso County Sheriff.

263) As a direct and proximate result of Defendant Elder's conduct, Raymond Green suffered severe injuries, damages, and an untimely death.

COUNT IV – Wrongful Death (Section 13-21-131)

(Wrongful Death o/b/o Derrick Rump resulting from Section 13-21-131 claim – Defendant Elder)

264) Plaintiffs re-allege and incorporate by reference herein all the allegations contained above.

265) Julia Rump is the natural and biological mother of Derrick Rump.

266) Julia Rump, as the natural and biological mother of Derrick Rump, has standing to pursue the claims stated against all Defendants pursuant to Colorado's Wrongful Death Act, C.R.S. 13-21-202 and § 13-21-203.

267) Defendant Bill Elder is liable under C.R.S. § 13-21-131 for violating the rights of Derrick Rump secured by the Constitution of the State of Colorado through his deliberate indifference, failures, actions, and inactions while serving as El Paso County Sheriff.

268) As a direct and proximate result of Defendant Elder's conduct, Derrick Rump suffered severe injuries, damages, and an untimely death.

COUNT V – NEGLIGENCE
(Club Q Defendants)

269) Plaintiffs re-allege and incorporate by reference herein all the allegations contained above.

270) At all relevant times, the Club Q Defendants owed Plaintiffs a duty of reasonable care to ensure their safety and well-being while on the premises.

271) At all relevant times, the Club Q Defendants breached that duty and were negligent, grossly negligent and reckless by, including but not limited to:

- a. Failing to respond to rising crime activities on the premises, including prior violent incidents and threats;
- b. Failing to respond to rising crime activities at other LGBTQIA+ nightclubs and bars across the country, which placed Club Q at heightened risk;
- c. Failing to staff an adequate number of security personnel to monitor and protect patrons and employees;
- d. Failing to select, implement, and maintain appropriate security technologies, such as metal detectors, surveillance cameras, and controlled entry systems;
- e. Failing to select and/or utilize appropriate security procedures;
- f. Failing to adequately train its security personnel;
- g. Failing to equip its security personnel with protective measures;
- h. Failing to assess risks on the premises;

- i. Failing to take adequate measures for hate-motivated violence;
- j. Misleading patrons and other guests by advertising the space as a “safe space”;
- k. Failing to adopt industry standards for security measures after the Pulse shooting; and
- l. Such other acts and/or omissions as may be revealed in discovery.

272) The Club Q Defendants were negligent by ignoring the threats to the invitees at Club Q.

273) A year prior, there was an attempted stabbing at the club.

274) A few weeks prior, the club went on lockdown after hearing gunshots nearby.

275) Upon information and belief, Haynes even received information regarding a potential threat of violence before and around the time of Aldrich’s shooting. In the wake these threats and in light of the susceptibility to violence among LGBTQIA+ gathering places, the Club Q Defendants should have known that in order to operate Club Q safely he needed to hire necessary security. The Club Q Defendants were further negligent in failing to provide any meaningful security for his business.

276) The Club Q Defendants’ negligence in ignoring the security needs for Club Q was a cause of the Plaintiffs’ harm in that if security existed then it is likely that Aldrich would not have ever attacked at all, or that his attack would have been cut short. But because of the lack of any meaningful security and the negligence of the Club Q Defendants was targeted by Defendant Aldrich on November 19, 2022, resulting in Plaintiffs’ injuries.

277) As a direct and proximate result of the Club Q Defendants’ negligent, grossly negligent, reckless, and intentional actions, Plaintiffs suffered injuries, damages, and losses, and

monetary damages in an amount to be determined by the trier of fact, including but not limited to medical expenses, household expenses, pain and suffering, grief, loss of enjoyment of life, loss of income, emotional distress, and other damages as permitted under C.R.S. § 13-21-202 and C.R.S. § 13-21-203.

278) The Club Q Defendants caused Plaintiffs' injuries, damages, and losses by consciously disregarding a substantial and unjustifiable risk that they would cause serious injury to others, demonstrating a willful and reckless indifference to the safety of their patrons and employees.

279) Plaintiffs reserve the right to supplement these allegations as additional facts are revealed during discovery.

COUNT VI – Wrongful Death (Negligence)

(Wrongful Death o/b/o Kelly Loving Resulting from Negligence – Club Q Defendants / Bill Elder)

280) Plaintiffs re-allege and incorporate by reference herein all the allegations contained above.

281) Tanya Beal is the natural and biological mother of Kelly Loving.

282) Tanya Beal, as the natural and biological mother of Kelly Loving, has standing to pursue the claims stated against all Defendants pursuant to Colorado's Wrongful Death Act, C.R.S. 13-21-202 and § 13-21-203.

283) Defendants owed a duty to invitees like Kelly Loving to ensure safety on its premises and are liable for their negligence.

284) As a direct and proximate result of Defendants' failures, actions, and inactions, Kelly Loving suffered severe injuries, damages, and an untimely death.

COUNT VII – Wrongful Death (Negligence)

(Wrongful Death o/b/o Raymond Green Resulting from Negligence – Club Q Defendants / Bill Elder)

285) Plaintiffs re-allege and incorporate by reference herein all the allegations contained above.

286) Adriana Vance is the natural and biological mother of Raymond Green.

287) Adriana Vance, as the natural and biological mother of Raymond Green, has standing to pursue the claims stated against all Defendants pursuant to Colorado’s Wrongful Death Act, C.R.S. 13-21-202 and § 13-21-203.

288) Defendants owed a duty to invitees like Raymond Green to ensure safety on its premises and are liable for their negligence.

289) As a direct and proximate result of Defendants’ failures, actions, and inactions, Raymond Green suffered severe injuries, damages, and an untimely death.

COUNT VIII – Wrongful Death (Negligence)

(Wrongful Death o/b/o Derrick Rump Resulting from Negligence – Club Q Defendants / Bill Elder)

290) Plaintiffs re-allege and incorporate by reference herein all the allegations contained above.

291) Julia Rump is the natural and biological mother of Derrick Rump.

292) Julia Rump, as the natural and biological mother of Derrick Rump, has standing to pursue the claims stated against all Defendants pursuant to Colorado’s Wrongful Death Act, C.R.S. 13-21-202 and § 13-21-203.

293) Defendants owed a duty to invitees like Derrick Rump to ensure safety on its premises and are liable for their negligence.

294) As a direct and proximate result of Defendants' failures, actions, and inactions, Derrick Rump suffered severe injuries, damages, and an untimely death.

Plaintiffs demand a trial by jury.

Respectfully submitted this 2nd day of September, 2025.

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