

STATE OF ILLINOIS
IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT
COUNTY OF TAZEWELL

THIS CASE IS SET FOR A MANAGEMENT CONFERENCE
ON October 18, 2018, 20
AT 9:15 am AM PM IN COURTROOM 308
OF The Tazewell County Courthouse
IF THE DEFENDANT(S) ANSWER(S) MORE THAN 35 DAYS
BEFORE THIS DATE, THEN THE PARTIES SHALL
SCHEDULE A CASE MANAGEMENT CONFERENCE WITHIN
35 DAYS OF THE DATE THE ANSWER'S PLED.

CHRISTIAN PEREZ, as Administrator Ad)
Litem for the ESTATE OF JOE R. PEREZ,)
JR.,)
Plaintiff,)

vs.)

JEFFREY L. REINKING,)
Defendant.)

No. 2018L55
JURY DEMAND

COMPLAINT

Plaintiff, for this cause of action against Defendant, states to the Court:

1. Plaintiff Christian Perez is a citizen and resident of Nashville, Davidson County, Tennessee.
2. Christian Perez is the son of Joe R. Perez, Sr. and Patricia Perez, each of whom is a citizen and resident of the state of Texas.
3. Another of Joe R. Perez, Sr.'s and Patricia Perez's natural children is the late Joe R. Perez, Jr. On April 22, 2018 Joe R. Perez Jr. was twenty years old and was a citizen and resident of Antioch, Tennessee.
4. Joe R. Perez, Jr. was shot and killed in Antioch, Davidson County, Tennessee on April 22, 2018.
5. Joe R. Perez, Jr. was not married at the time of his death and had no children.
6. On May 10, 2018, Christian Perez was appointed Administrator Ad Litem of the Estate of Joe R. Perez, Jr. A true and correct copy of the letters of administration documenting

this appointment by the Circuit Court for Davidson County, Tennessee is attached hereto as Exhibit A.

7. Plaintiff brings this wrongful death action for the death of his brother for the use and benefit of their parents, Joe R. Perez, Sr. and Patricia Perez.

8. Defendant Jeffrey Reinking (“Defendant”) is a citizen and resident of Tazewell County, Illinois. He is the father of Travis Reinking.

9. Venue is appropriate because Defendant is a resident of Tazewell County.

10. Travis Reinking is the son of Defendant.

11. Travis Reinking was born and raised in Tazewell County, Illinois.

12. As of April 22, 2018, Travis Reinking was a citizen and resident of Antioch, Davidson County, Tennessee.

13. In the period before August 24, 2017, Travis Reinking came to possess a number of firearms.

14. One of those firearms was an assault rifle commonly referred to as an “AR-15.”

15. The AR-15, originally developed by ArmaLite (the “AR” stands for “ArmaLite Rifle”), is manufactured by a number of gun manufacturing companies under a variety of names and / or model numbers.

16. AR-15 variants have been used in mass shootings across the United States, including the 2012 Sandy Hook Elementary School shooting; 2012 Aurora shooting; 2015 San Bernardino attack; 2017 Sutherland Springs church shooting; 2017 Las Vegas concert shooting; and 2018 Stoneman Douglas High School shooting.

17. The assault rifle possessed by Travis Reinking, hereinafter referred to as a “Bushmaster AR-15,” was manufactured by a subsidiary of Remington Outdoor Company, Inc.

18. The Bushmaster AR-15 is also the firearm that was in the possession of Travis Reinking during the early morning hours of April 22, 2018.

19. The Tazewell County Sheriff's Office visited Travis Reinking and Defendant on August 24, 2017, at J & J Cranes, Inc., the business owned by Defendant.

20. At the time of that visit, Illinois had in effect a state law that generally prohibited a private citizen from possessing firearms unless he or she had been issued a state permit.

21. The state permit that allows a person in Illinois to lawfully possess firearms is known as a "Firearm Owners Identification" (FOID) card.

22. Illinois law empowers the Illinois State Police to revoke a FOID card under several circumstances.

23. When a FOID card is revoked, the Illinois resident who holds the permit can no longer lawfully possess firearms.

24. The Tazewell County Sheriff's Office advised Travis Reinking and Defendant that Travis' FOID card was being revoked.

25. The revocation of the FOID card meant that under Illinois law, Travis Reinking could no longer legally own firearms in Illinois.

26. On August 24, 2017, Tazewell County Sheriff's Office asked Travis Reinking to surrender his firearms and ammunition.

27. Travis Reinking agreed to surrender his firearms and ammunition.

28. On August 24, 2017, Defendant was the holder of a valid FOID card.

29. Defendant asked the Tazewell County Sheriff's Office if he could keep the firearms and ammunition that Travis Reinking had agreed to surrender.

30. The Tazewell County Sheriff's Office agreed to Defendant's request, but as a condition to the agreement, asked Defendant to confirm that he would not allow Travis Reinking to have access to the firearms.

31. Defendant agreed to the condition; *i.e.*, he agreed that he would not allow his son, Travis Reinking, to have access to the firearms he (Travis) was surrendering.

32. Thus, on August 24, 2017, consistent with the foregoing agreement, Defendant took possession of the following firearms that had been in the possession of his son Travis Reinking:

- a. Bushmaster AR-15
- b. Kimber handgun (9mm)
- c. CZ-USA .22 caliber rifle
- d. Remington 710 rifle

33. At some point thereafter (the date, time and place of which is presently unknown, but before April 22, 2018), Defendant voluntarily returned one or more of the firearms to Travis Reinking.

34. In the early morning hours of April 22, 2018, Travis Reinking murdered four people at the Waffle House located at Murfreesboro Road in Antioch, Tennessee.

35. Four other people were wounded in the shooting at the Waffle House.

36. One of the persons shot at the Waffle House was Plaintiffs' decedent, Joe R. Perez, Jr.

37. Joe R. Perez, Jr. died as a result of one or more of the gunshot wounds he received in the shooting.

38. Joe R. Perez, Jr. did nothing to provoke Travis Reinking.

39. No act or omission by Joe R. Perez, Jr. caused his injuries or death.

40. The firearm used to shoot Joe R. Perez, Jr. was a Bushmaster AR-15.

41. The Bushmaster AR-15 used to shoot Joe R. Perez, Jr. was the same Bushmaster AR-15 that Travis Reinking surrendered at the request of the Illinois State Police on August 24, 2017.

42. The Bushmaster AR-15 used to shoot Joe R. Perez, Jr. was the same Bushmaster AR-15 that Defendant assumed possession of on August 24, 2017.

43. The Bushmaster AR-15 used to shoot Joe R. Perez, Jr. was the same Bushmaster AR-15 that Defendant transferred to his son sometime between August 24, 2017 and April 22, 2018.

44. At the time Defendant transferred the Bushmaster AR-15 to Travis Reinking, Defendant knew his son suffered from mental health problems.

45. Indeed, Defendant had first-hand knowledge and experience of the variations in his son's mental health status in the days, weeks, months and years before he transferred the Bushmaster AR-15 from his possession to his son's possession sometime between August 24, 2017 and April 22, 2018.

46. Regardless of the exact date of the transfer, and regardless of the exact mental status of his son at the precise time of the transfer, Defendant knew (or reasonably should have known) that his son's mental status was such that it could deteriorate at any time in the future.

47. Defendant knew, at the time of his transfer, that his son's mental health status would at times appear to be relatively stable (for him) and then, at other times, he would decline into a state of unpredictability, the consequences of which resulted in bizarre behavior which included the risk of self-inflicted injury and the risk of harm to others.

48. Regardless of the exact date of the transfer, and regardless of the exact mental status of his son at the precise time of the transfer, Defendant knew (or reasonably should have known) that his son's mental status could decline such that he would be at risk for suicide.

49. Regardless of the exact date of the transfer, and regardless of the exact mental status of his son at the precise time of the transfer, Defendant knew (or reasonably should have known) that his son's mental status could decline such that he would be at risk for threatening another person with physical harm.

50. Regardless of the exact date of the transfer, and regardless of the exact mental status of his son at the precise time of the transfer, Defendant knew (or reasonably should have known) that his son's mental status could decline such that he would be at risk for physically harming another person.

51. Regardless of the exact date of the transfer, and regardless of the exact mental status of his son at the precise time of the transfer, Defendant knew (or reasonably should have known) that his son's mental status could decline such that he would be at risk for threatening another person with a firearm.

52. Regardless of the exact date of the transfer, and regardless of the exact mental status of his son at the precise time of the transfer, Defendant knew (or reasonably should have known) that his son's mental status could decline such that he would be at risk for shooting another person with a firearm. Thus, at the time Defendant transferred the Bushmaster AR-15 from his possession to his son, Defendant he knew that his son Travis' mental condition was such that he posed a risk of harm to himself and others and that a method of causing harm was the use of a firearm, including the Bushmaster AR-15.

53. At the time Defendant transferred the Bushmaster AR-15 to Travis Reinking, he knew that he and his wife (Travis' mother) called the police in May 2016 to ask for assistance in addressing the delusional state of mind of their son.

54. During the May 2016, incident, Defendant and his wife told the police that their son Travis had threatened to take his own life and confirmed that he had access to many guns at his residence.

55. During the May 2016, incident, Travis became hostile when the police wanted to take him to a local hospital for a mental evaluation.

56. Defendant was aware of his son's demonstrated hostility to the police during the May 2016 incident when he (the Defendant) transferred possession of the Bushmaster AR-15 to his son sometime after August 24, 2017.

57. Defendant knew, at the time he transferred possession of the Bushmaster AR-15 to his son Travis sometime after August 24, 2017, that his son believed Taylor Swift was harassing him via stalking and hacking his phone.

58. Defendant knew, at the time he transferred possession of the Bushmaster AR-15 to his son Travis sometime after August 24, 2017, that his son told the police that his parents and grandmother (Marilyn A. Hopper) were also harassing him.

59. Defendant knew, at the time he transferred possession of the Bushmaster AR-15 to his son Travis sometime after August 24, 2017, that Travis did not recognize police authority.

60. In addition, at the time Defendant transferred the Bushmaster AR-15 to Travis Reinking, he knew that his son was sent to the hospital for mental evaluation after the May 2016 episode.

61. In addition, at the time Defendant transferred the Bushmaster AR-15 to Travis Reinking, he (Defendant) knew that in the Spring of 2017 he had been advised by his son's former employer in Colorado that the former employer had concerns about Travis' mental health.

62. In addition, at the time Defendant transferred the Bushmaster AR-15 to Travis Reinking, he knew that in June of 2017 his son, wearing a pink woman's housecoat and holding the Bushmaster AR-15, threatened an employee of J & J Cranes, Inc.

63. More specifically, at the time Defendant transferred the Bushmaster AR-15 to Travis Reinking, he knew that his son, rifle in hand, yelled at the employee "Is this what you f----g want?" before he threw his rifle in the trunk of a vehicle.

64. Defendant recognized this was a threat of violence (including visible use of a firearm in furtherance of the threat) toward the employee.

65. In addition, at the time Defendant transferred the Bushmaster AR-15 to Travis Reinking, knew that in June of 2017, his son, Travis Reinking, swam in his underwear at a public pool and exposed his genitals to the lifeguards to demonstrate that he was, in fact, a male. (Travis Reinking arrived at the pool wearing a pink women's housecoat.)

66. When Defendant was advised of the pool-related incident by phone, he indicated that he had previously taken Travis Reinking's guns from him in the past and locked them up. The police officer advised that Defendant may wish to lock up the guns again and Defendant advised the police officer that he would do so.

67. Defendant also knew that his daughter (Travis' sister) had been advised by the police to keep weapons away from Travis as a result of the June 2017 incident at the pool and the incident at J & J Cranes, Inc. described above.

68. Thus, as of June 2017, Defendant knew he and at least one other family member had been advised by professional law enforcement to deny his son Travis Reinking access to firearms.

69. At the time Defendant transferred the Bushmaster AR-15 from his possession to his son Travis Reinking, he knew he had been warned by Travis' previous employer from Colorado that Travis was experiencing mental disturbances in Colorado.

70. In addition, at the time Defendant transferred the Bushmaster AR-15 to Travis Reinking, he knew that his son, claiming to be a "sovereign citizen," had gone to Washington, D.C., on July 7, 2017, breached the White House security barrier, and demanded to speak to the President.

71. It was the White House incident that gave rise to the action by the Illinois State Police to seize Travis' FOID card on August 24, 2017.

72. At or after the time Defendant transferred the Bushmaster AR-15 from his possession to his son Travis Reinking, Defendant knew that his son had moved to Tennessee.

73. At or after the time Defendant transferred the Bushmaster AR-15 from his possession to his son Travis Reinking, Defendant knew that his son had the Bushmaster AR-15 in his possession for all or part of the time he lived in Tennessee.

74. At the time Defendant transferred the Bushmaster AR-15 from his possession to his son Travis Reinking, Defendant knew that Taylor Swift maintains a home in metropolitan Nashville, Tennessee.

COUNT 1 - NEGLIGENT ENTRUSTMENT

75. Paragraphs 1 through 74 are incorporated herein by this reference.

76. At all relevant times, Defendant owed a duty not to entrust a third party with an instrument that was under Defendant's control when Defendant knew or should have known that such person was likely to use the instrument in such a manner as to create an unreasonable risk of harm to others.

77. This common law, common-sense duty arose separate and apart from any duty that was imposed under the law of Illinois concerning the transfer of weapons to a person who did not have a valid FOID card.

78. This common law duty arose whether the transfer of weapons took place in Illinois, Colorado, Washington, D.C., Tennessee, or any other state.

79. Defendant negligently entrusted his son with possession of the Bushmaster AR-15.

80. Defendant's negligent entrustment allowed his son to be in possession of a weapon – the Bushmaster AR-15 – that he used to shoot and kill Joe R. Perez, Jr.

81. Defendant's negligent conduct was a proximate cause of the death of Joe R. Perez, Jr.

82. The next-of-kin of decedent Joe R. Perez, Jr., have suffered substantial pecuniary loss, including the loss of decedent's love, companionship, society, and support, due to his wrongful death.

COUNT 2 - GRATUITIOUS ASSUMPTION OF DUTY

83. Paragraphs 1 through 82 are incorporated herein by this reference.

84. When Defendant was asked by the Tazewell County Sheriff's Office to take possession of Travis Reinking's firearms, including the Bushmaster AR-15, and agreed not to allow Travis Reinking to have access to those weapons, he gratuitously assumed a duty to the community of those who came or were to come in the vicinity of Travis Reinking, including Joe R. Perez, Jr. and the other guests or workers at the Waffle House, to take reasonable steps to secure those weapons so that Travis Reinking did not have access to them.

85. Defendant negligently breached this duty when he transferred the Bushmaster AR-15 to Travis Reinking.

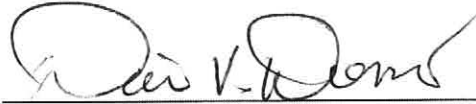
86. Defendant's breach of this duty allowed his son to be in possession of a weapon – the Bushmaster AR-15 – that he used to shoot and kill Joe R. Perez, Jr.

87. Defendant's negligent conduct was a proximate cause of the death of Joe R. Perez, Jr.

88. The next-of-kin of decedent Joe R. Perez, Jr., have suffered substantial pecuniary loss, including the loss of decedent's love, companionship, society, and support, due to his wrongful death.

WHEREFORE, Plaintiff prays for judgment against Defendant in an amount more than \$50,000, plus costs of suit, and demands a trial by jury.

Respectfully submitted,



David V. Dorris, ARDC #0662429

DORRIS LAW FIRM, P.C.

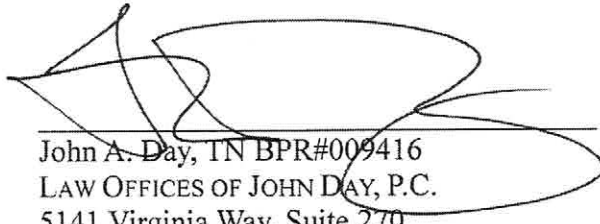
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Pending admission *pro hac vice*

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED

MAY 10 2018

RICHARD R. HOOKER, Clerk
By *[Signature]* Deputy

IN THE MATTER OF:)
)
THE ESTATE OF JOE R. PEREZ, JR.)
Deceased)
) No. 18P799
CHRISTIAN PEREZ, PETITIONER)
)
)
)

ORDER

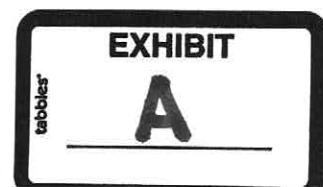
This cause came to be heard on the 10 day of may, 2018, before the Honorable Judge Randy Kennedy, upon the petition of Christian Perez, for Limited Letters of Administration for the estate of Joe R. Perez, Jr.

It appears to the Court from the statement of the petitioner that the decedent's usual place of domicile and residence at the time of his death was Davidson County, Tennessee; and that he died in this County on April 22, 2018, at the age of 20 years.

The Court finds that Petitioner has made a full and complete search for instruments of a testamentary nature by the decedent and no such instruments have been found. Accordingly, Petitioner believes died intestate.

It is necessary for an Administrator Ad Litem to be appointed for the limited purpose of allowing said Administrator Ad Litem to assist counsel in investigating and filing a wrongful death lawsuit on account of the death of Decedent and obtain medical, employment records, and otherwise assist the counsel employed to his parents in preparation and trial of the lawsuit

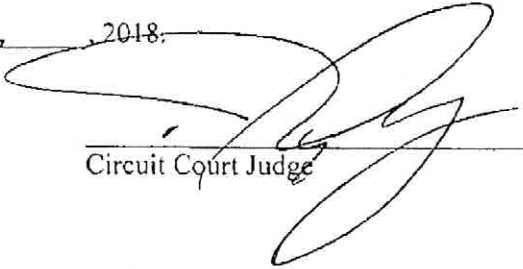
It is therefore, ORDERED, ADJUDGED, and DECREED that the Petitioner, Christian Perez, shall be appointed Administrator Ad Litem of this estate pursuant to T.C.A. § 30-1-109



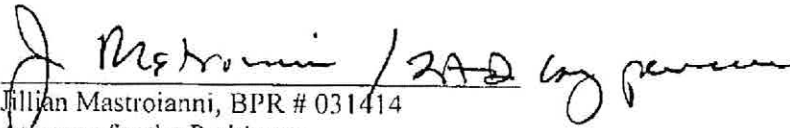
for the limited purpose of doing what is necessary to investigate and pursue, wrongful death litigation on behalf of Decedent.

Christian Perez shall be appointed as the Administrator ad Litem of Joe R. Perez, Jr.'s estate, and shall be expressly authorized to gather, obtain, and access any and all of Joe R. Perez, Jr.'s medical records, reports, discharge papers, and/or any other medical-related documents. Christian Perez shall also have authority to execute HIPAA authorizations, speak with all healthcare providers and grant attorneys handling the wrongful death claim to the right to speak to Decedent's health care providers. Christian Perez shall have the authority to compromise and settle the wrongful death claim upon advice and consent of Decedent's parents (the wrongful death beneficiaries under the law). Any disagreements in this regard shall be brought to the attention of this court via motion.

Entered this 10 day of may, 2018.


Circuit Court Judge

SUBMITTED FOR ENTRY:


Jillian Mastroianni, BPR # 031414
Attorney for the Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2018, a true and correct copy of the foregoing was sent via U.S. Mail, properly addressed and first-class postage prepaid, to the following:

Joe R. Perez, Sr., Father of decedent
327 Quarter Ave.
Buda, TX 37013

Patricia Perez, Mother of decedent
327 Quarter Ave.
Buda, TX 37013

J Mastroianni / JAD by permission.
Jillian Mastroianni