

DISTRICT COURT, 18th JUDICIAL DISTRICT  
DOUGLAS COUNTY, COLORADO

4000 Justice Way Ste. 2009  
Castle Rock, Co 80109  
720-437-6200

---

**Plaintiff:** DIDZIS JURSEVICS, INDIVIDUALLY  
and as NEXT FRIEND of MORGAN L. JURSEVICS,  
a Minor, and as PERSONAL REPRESENTATIVE  
OF THE ESTATE OF JAIMIE JURSEVICS

vs.

**Defendants:** ERIC P. HENDERSON and  
O'FALLONS, INC. d/b/a BROOKLYN'S, INC. a/k/a  
BROOKLYN'S a/k/a BROOKLYN'S BAR a/k/a  
BROOKLYN'S AT INVESCO a/k/a THE ORIGINAL  
BROOKLYN'S

---

Attorneys for Plaintiff:

Attorney: Chris Hoffman  
HOFFMAN, SHEFFIELD, SAUSEDA &  
HOFFMAN, PLLC  
600 Grant St., Suite 450  
Denver, CO 80203  
Phone Number: 303-333-2200  
E-mail: choffman@hsshlaw.com  
Atty. Reg. #: 42092

DATE FILED: October 25, 2016 1:30 PM  
FILING ID: 75257053F1314  
CASE NUMBER: 2016CV31060

---

▲ COURT USE ONLY ▲

Case Number:

Div.:

Ctrm:

---

**COMPLAINT AND JURY DEMAND**

COMES NOW, Didzis Jursevics, by and through his attorneys, Hoffman, Sheffield, Sauseda, and Hoffman, PLLC, and hereby submits his Complaint and Jury Demand against the Defendants as follows:

## **I. PARTIES**

1. Plaintiff Didzis Jursevics is a resident of the State of Colorado whose principal place of residence is 3985 S. Willow Way, Denver, CO 80237. He is the surviving spouse of Colorado State Patrol Trooper Jaimie Jursevics (hereafter "Trooper Jursevics") and Personal Representative of her estate. Morgan L. Jursevics is the natural-born and surviving minor daughter of Trooper Jursevics.

2. Defendant Eric Henderson (hereafter "Defendant Henderson") is a resident and citizen of the State of Colorado with his principal residence located at Sterling Correctional facility, 12101 CO-61, Sterling, CO 80751, DOC ID number 172883.

3. Defendant O'Fallon's, Inc. doing business as Brooklyn's, Inc. also known as (or doing business as) "Brooklyn's, Inc." or "Brooklyn's" or "Brooklyn's Bar" or "Brooklyn's at Invesco" or "The Original Brooklyn's" (hereafter "Brooklyn's") is a corporation duly formed under the laws of the State of Colorado, with its principal office mailing address at 2644 W. Colfax, Denver, CO 80204 and its principal office street address at 3435 Belcaro Drive, Denver, CO 80209. The registered agent for O'Fallon's, Inc. is David B. Keefe III, located at 3435 Belcaro Drive, Denver, CO 80209.

## **II. JURISDICTION AND VENUE**

4. Defendants are residents of the State of Colorado and/or do business in the State of Colorado. Plaintiff submits to the jurisdiction of this Court. Thus, this Court has jurisdiction pursuant to Colorado Constitution Art. 6, § 9. The subject matter of this civil action involves a motor vehicle collision with a highway patrol Trooper which occurred in the County of Douglas, State of Colorado. Therefore, venue is proper in the District Court, County of Douglas, State of Colorado, pursuant to C.R.C.P. 98.

## **III. FACTUAL ALLEGATIONS**

5. On November 15, 2015 around, 9:30 a.m., Defendant Henderson and his daughter picked up his friend, Craig Whitehill, from his home to attend the Denver Broncos football game. Defendant Henderson drove a white Dodge 4500 flatbed truck, weighing in excess of 8000 pounds. The drive from Mr. Whitehill's home to Mile High Stadium is approximately 70 miles. Mr. Whitehill brought a cooler containing 20 or more alcoholic beverages, one water, two Pepsis, and a bottle opener.

6. On the way to the stadium, Defendant Henderson dropped his daughter off at his office to study. He told her he would pick her up at 9:30 p.m. that evening. Defendant Henderson then drove himself and Mr. Whitehill to Mile High Stadium.

7. On the way to the game, Defendant Henderson drank multiple alcoholic beverages and was starting another as he pulled into the parking lot. After arriving at the stadium, Defendant Henderson consumed numerous alcoholic beverages, including “to-go” cups full of beer and shots outside of the stadium. Defendant Henderson then consumed more alcoholic beverages during the game.

8. After the game Defendant Henderson and Mr. Whitehill went to Brooklyn’s where they remained for approximately an hour and continued to consume alcohol. Upon information and belief, Defendant Henderson was visibly intoxicated and displayed body language, behavior, and speech consistent with significant alcohol intoxication. While at Brooklyn’s, Defendant Henderson was willfully and knowingly sold or served alcoholic beverages by Brooklyn’s employees while he was visibly intoxicated. Defendant Henderson ultimately left Brooklyn’s and drove southbound on I-25 to return Mr. Whitehill to his home, more than 70 miles away.

9. As Defendant Henderson was driving south on I-25, it was dark and he was observed driving erratically, drifting between lanes, knocking down traffic cones, and nearly colliding with several other vehicles on the roadway. This prompted at least two other drivers to make a REDDI report to the Colorado State Patrol.

10. One of the REDDI reports was made by Kevin Buckley, who made a call at 8:40 p.m. At 8:45 p.m., he then received a return call from Colorado State Patrol Trooper Jaimie Jursevics (hereafter “Trooper Jursevics”). Trooper Jursevics was responding to a collision that had happened on I-25. She had parked her patrol vehicle off the left shoulder of I-25 south about 100 yards behind (i.e., to the north) of a collision where another trooper was completing a crash report and checking on the occupants of the collision, who were parked on the left shoulder. Both Trooper Jursevics and the other trooper had activated their vehicles’ emergency lights.

11. Trooper Jursevics was in her patrol vehicle when she got the REDDI report and called Mr. Buckley. He described to her that he was at mile marker 180 and following a truck that was swerving between lanes and which had almost hit six different cars. Trooper Jursevics told Mr. Buckley that she would attempt to stop the truck when it got to her position at mile marker 175.

12. Trooper Jursevics got out of her vehicle at 8:46 p.m. to stop Defendant Henderson and began directing traffic to slow down and stay to the right as she waves her arm and shines her light to the north. A vehicle approached and easily saw Trooper Jursevics and obeyed her instructions.

13. Defendant Henderson approached Trooper Jursevics' position with a clear view of the slowed traffic, the emergency lights and reflectors on her vehicle, and Trooper Jursevics holding a flashlight, waiving her arm to pull over while she is standing on the dash line separating the lanes. Rather than staying in the right lane and slowing down, Defendant Henderson moved into the left lane disregarding Trooper Jursevics' signal to slow down and pull over.

14. Defendant Henderson continued forward, making no effort to avoid hitting Trooper Jursevics. Defendant Henderson struck Trooper Jursevics with his truck, knocking her backwards and to the shoulder of the road.

15. Defendant Henderson slowed briefly to maneuver around Trooper Jursevics' body but made no attempt to stop and continued southbound on I-25 in the right lane.

16. Passengers of other vehicles, the other trooper at the scene, and eventually fire department paramedics came to Trooper Jursevics's aid. However, due to massive injuries, she could not be revived and was pronounced dead at the scene.

17. Defendant Henderson drove approximately one mile south, uttering "why was that person in the road?", and then exited onto the frontage road and pulled into a dark area off the road to inspect it. He saw that there was significant damage to the front of the vehicle.

18. He then asked Mr. Whitehill what was in the cooler. Mr. Whitehill looked in the cooler, uttered an expletive, and threw the contents, including the two remaining beers, out into the grass, attempting to destroy and conceal evidence of a crime. Defendant Henderson made no objection.

19. Mr. Whitehill and Defendant Henderson reentered the vehicle and got back on I-25 driving as fast as 80-85 mph until they reached exit 173, where Defendant Henderson exited and drove through backroads.

20. Officer James Deyoe of the Palmer Lake Police Department spotted Defendant's truck and was aware that it matched the description of a vehicle that had struck a trooper. He pursued Defendant Henderson, who continued to drive for  $\frac{3}{4}$  of a mile before finally pulling over. Officer Deyoe could smell antifreeze coming from the vehicle as he pursued.

21. Officer Deyoe observed that Defendant Henderson's eyes were watery and bloodshot, and he could also smell alcohol coming from the vehicle. He noted Defendant Henderson slurring his speech and noticed Defendant Henderson was slow to respond to general questions. When Officer Deyoe asked Defendant Henderson to walk to the rear of the vehicle, he noticed that Defendant Henderson could barely stand.

Officer Deyoe asked Defendant Henderson what had happened to the front of his truck, to which he replied, "Nothing."

22. Other law enforcement officers arrived on the scene and attempted to give Defendant Henderson a field sobriety test, but he refused to perform a roadside sobriety test and was taken to a nearby hospital for a felony blood draw, which was done at 11:16 p.m., approximately two and one-half hours after he killed Trooper Jursevics. The test result equates to a level of .199 at the time he killed Trooper Jursevics, approximately four times the legal limit for impaired driving.

23. Defendant Henderson was then taken to the police station. After he refused to answer any questions, he was informed of the charges against him. Defendant Henderson then repeatedly stated, "I killed a cop," and appeared to cry.

24. Defendant Henderson was charged with and pled guilty to vehicular homicide and tampering with physical evidence. He was sentenced to eight years in prison.

#### **IV. CLAIMS FOR RELIEF - HENDERSON**

##### **A. First Claim for Relief (Negligence)**

25. Plaintiff incorporates by reference the allegations above as if repeated herein.

26. Defendant Henderson owed a duty to the Plaintiff to exercise reasonable care in operating his motor vehicle in a manner that was safe.

27. Defendant Henderson failed to exercise reasonable care in one or more of the following manner(s):

- a. In consuming multiple alcoholic beverages before and while driving;
- b. In consuming alcohol for over 10 hours both while he drove and with knowledge that he would drive later;
- c. In deciding to drive and then driving while intoxicated and impaired;
- d. In failing to make other transportation arrangements;
- e. By driving at a speed greater than was reasonable and prudent under the conditions then existing;
- f. By failing to follow Trooper Jursevics's signals to pull over and stop;

- g. By failing to reduce his speed and proceed with due care and caution as he approached an authorized emergency vehicle giving a visual signal by means of flashing, rotating, or oscillating lights;
- h. In failing to swerve or otherwise maneuver the vehicle so as to avoid striking Trooper Jursevics;
- i. In failing to make a timely application of the brakes to avoid striking Trooper Jursevics;
- j. By failing to take evasive action necessary to avoid striking Trooper Jursevics;
- k. In driving recklessly and carelessly in a method and manner that resulted in his striking Trooper Jursevics; and
- l. In otherwise operating the vehicle in a method and manner that resulted in his striking Trooper Jursevics.

28. As a direct and proximate result of his breaches of duty, Trooper Jursevics was killed and Plaintiff incurred damages as set forth below.

**B. Second Claim for Relief  
(Negligence *Per Se* – Driving Under the Influence)**

29. Plaintiff incorporates by reference the allegations above as if repeated herein.

30. Defendant Henderson was negligent *per se* in violation of C.R.S. 42-4-1301 in that he drove a motor vehicle under the influence of alcohol.

31. As a direct and proximate result of his violation of C.R.S. 42-4-1301, Trooper Jursevics was killed and Plaintiff incurred damages as set forth below.

**C. Third Claim for Relief  
(Negligence *Per Se* – Vehicular Homicide)**

32. Plaintiff incorporates by reference the allegations above as if repeated herein.

33. Defendant Henderson was negligent *per se* in violation of C.R.S. 18-3-106 in that he drove a motor vehicle in a reckless manner under the influence of alcohol rendering him substantially incapable, both mentally and physically, of exercising clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

34. As a direct and proximate result of his violation of C.R.S. 18-3-106, Trooper Jursevics was killed and Plaintiff incurred damages as set forth below.

**D. Fourth Claim for Relief  
(Negligence *Per Se*– Careless Driving)**

35. Plaintiff incorporates by reference the allegations above as if repeated herein.

36. Defendant Henderson was negligent *per se* in violation of C.R.S. 42-4-1402 in that he drove a motor vehicle in a careless and imprudent manner, without due regard for the traffic and other attendant circumstances.

37. As a direct and proximate result of his violation of C.R.S. 42-4-1402, Trooper Jursevics was killed and Plaintiff incurred damages as set forth below.

**E. Fifth Claim for Relief  
(Negligence *Per Se*– Reckless Driving Causing Bodily Injury)**

38. Plaintiff incorporates by reference the allegations above as if repeated herein.

39. Defendant Henderson was negligent *per se* in violation of C.R.S. 42-4-1401 in that he drove a motor vehicle in a reckless manner so as to indicate a wonton and willful disregard for the safety of persons and/or property.

40. As a direct and proximate result of his violation of C.R.S. 42-4-1401, Trooper Jursevics was killed and Plaintiff incurred damages as set forth below.

**F. Sixth Claim for Relief  
(Negligence *Per Se* – Failure to Use Due Care Approaching Stationary Emergency Vehicle)**

41. Plaintiff incorporates by reference the allegations above as if repeated herein.

42. Defendant Henderson was negligent *per se* in violation of C.R.S. 42-4-705(2) in that he approached and passed a stationary authorized emergency vehicle that was giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights without using due care and caution, without due regard to the vehicular and pedestrian traffic present, and in disobedience to Trooper Jursevics' directions.

43. As a direct and proximate result his violation of C.R.S. 42-4-705(2), Trooper Jursevics was killed and Plaintiff incurred damages as set forth below.

**G. Seventh Claim for Relief  
(Negligence *Per Se* – Speed Limits)**

44. Plaintiff incorporates by reference the allegations above as if repeated herein.

45. Defendant Henderson was negligent per se in violation of C.R.S. 42-4-1101 in that he drove a vehicle on a highway at a speed greater than was reasonable and prudent under the conditions then existing and failed to decrease the speed of his vehicle when a special hazard existed with respect to pedestrians and other traffic.

46. As a direct and proximate result of violation of C.R.S. 42-4-1101, Trooper Jursevics was killed and Plaintiff incurred damages as set forth below.

**H. Eighth Claim for Relief  
(Wrongful Death / Felonious Killing)**

47. Plaintiff incorporates by reference the allegations above as if repeated herein.

48. Plaintiff's claims fall within the "Colorado Wrongful Death Act" C.R.S. 13-21-201, et seq.

49. Defendant Henderson's conduct, as aforesaid, constitutes a "felonious killing" as defined by C.R.S. § 15-11-803(b), as determined by C.R.S. 15-11-803(7)(b).

50. As a result of Defendant Henderson's felonious killing of Trooper Jursevics, pursuant to C.R.S. 13-21-203(1)(a), there is no limitation on the damages for non-economic loss or injuries recoverable by Plaintiff in any claim against Defendant Henderson.

**V. CLAIMS FOR RELIEF – BROOKLYN'S**

**A. First Claim for Relief  
(Dram Shop Violation Under C.R.S. 12-47-801)**

51. Plaintiff incorporates by reference the allegations above as if repeated herein.

52. Defendant Brooklyn's is a licensee under C.R.S. 12-47-801.

53. Defendant Brooklyn's, by and through its employees, willfully and knowingly sold or served an alcoholic beverage to a visibly intoxicated person when it sold and served Henderson alcoholic beverages after observing - upon information and belief based on his subsequent blood draw results and law enforcement observations – that Henderson was visibly intoxicated, had difficulty in standing, and displayed body language and

speech consistent with significant alcohol intoxication. Therefore, Defendant Brooklyn's may be held civilly liable for the death of Trooper Jursevics.

53. As a direct and proximate result of this breach of duty, Trooper Jursevics was killed and Plaintiff incurred damages as set forth below.

**B. Second Claim for Relief  
(Wrongful Death)**

54. Plaintiff incorporates by reference the allegations above as if repeated herein.

55. Plaintiff's claims fall within the "Colorado Wrongful Death Act" C.R.S. 13-21-201, et seq.

**VI. DAMAGES**

56. As a result of the death of Trooper Jursevics, Didzis Jursevics, Individually and as Next Friend of Morgan Jursevics, has sustained the following damages:

- a. Noneconomic losses in the past and future, including grief, loss of companionship, impairment of the quality of life, inconvenience, pain and suffering, and emotional distress in the past and future; and
- b. Economic losses in the past and future, including loss of earnings, loss of household services, loss of benefits, and other contributions of pecuniary value Trooper Jursevics would have made to Mr. Jursevics and her daughter had she lived.

**VII. CONDITIONS PRECEDENT**

57. All conditions precedent to filing this suit have been performed or have occurred.

**VIII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests this Court to enter Judgment in their favor and against Defendants for:

Compensatory damages as set forth above against Defendants in an amount to be determined at the time of trial;

Costs in accordance with Colorado law;

Pre-judgment interest in accordance with Colorado law; and

Such other relief as this Court may deem just and proper.

**Plaintiff herein demands a trial by jury on all issues so triable.**

Dated this 25<sup>th</sup> day of October, 2016.

Respectfully submitted,

/s/ Chris Hoffman\*

Chris Hoffman

HOFFMAN, SHEFFIELD, SAUSEDA, & HOFFMAN, PLLC

600 Grant St., Suite 450

Denver, CO 80203

Phone Number: 303-333-2200

Email: choffman@hsshlaw.com

**ATTORNEYS FOR PLAINTIFF**

Plaintiff's Address:

3985 S. Willow Way

Denver, CO 80237

\* In accordance with C.R.C.P. 121 § 1-26(9) a printed copy of this document with original signatures is being maintained by the filing party and will be available for inspection by other parties or the court upon request.