

DISTRICT COURT, COUNTY OF DOUGLAS, STATE OF COLORADO 4000 Justice Way Castle Rock, Colorado 80109	DATE FILED: May 6, 2021 1:52 PM FILING ID: B2B31807A1156 CASE NUMBER: 2021CV30323
Plaintiffs: JOHN CASTILLO AND MARIA CASTILLO v. Defendant: STEM SCHOOL HIGHLANDS RANCH a/k/a THE SCIENCE TECHNOLOGY ENGINEERING AND MATH (STEM) and DOUGLAS COUNTY SCHOOL DISTRICT RE-1	<p style="text-align: center;">▲COURT USE ONLY▲</p>
<i>Attorneys for Plaintiff:</i> Daniel J. Caplis, #13171 Henry Minitier, #37412 THE DAN CAPLIS LAW FIRM, LLC Plaza Tower One Penthouse 6400 S. Fiddlers Green Circle, Suite 2200 Greenwood Village, CO 80111 Telephone: 303-770-5551 Fax: 303-770-5552 dan@caplislaw.com henry@caplislaw.com	Case Number: Courtroom:
COMPLAINT AND JURY DEMAND	

Plaintiffs John Castillo and Maria Castillo, through counsel, The Dan Caplis Law Firm, LLC, submits the following Complaint and Jury Demand, and alleges as follows:

I. Parties, Jurisdiction, and Venue

1. Plaintiff John Castillo is the father of decedent Kendrick Castillo and at all times relevant hereto was a resident of the State of Colorado.
2. Plaintiff Maria Castillo is the mother of decedent Kendrick Castillo and at all times relevant hereto was a resident of the State of Colorado.
3. At all times relevant hereto, STEM School Highlands Ranch (“STEM”) was located at 8773 S. Ridgeline Boulevard, Highlands Ranch, Colorado 80129.

4. At all times relevant hereto, Douglas County School District (“Douglas County”) maintained its principal office at 620 Wilcox Street, Castle Rock, Colorado 80104.
5. Kendrick Ray Castillo (“Kendrick”), decedent, was a student at STEM School Highlands Ranch at all times relevant hereto.
6. Plaintiffs have complied with all legal prerequisites under the Governmental Immunity Act to the extent they apply.
7. Alec McKinney (“McKinney”), a minor, was a student at STEM School Highlands Ranch at all times relevant hereto.
8. Devon Erickson (“Erickson”) was a student at STEM School Highlands Ranch at all times relevant hereto.
9. Jurisdiction and venue are proper in Douglas County under C.R.C.P. 98(c)(5), because the events giving rise to this action occurred in Douglas County.
10. This Court has subject matter jurisdiction under Colorado law.

II. General Allegations

11. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

STEM School Highlands Ranch

12. STEM is a K-12, publicly funded charter school.
13. Pursuant to the Claire Davis School Safety Act, STEM had a duty to maintain a safe environment. STEM breached that duty in the manner described herein and said breach of duty was a cause of the wrongful death of Kendrick Castillo by gunfire at STEM on May 7, 2019, while Kendrick heroically tried to protect others from being murdered by a school shooter.
14. Prior to the fatal shooting of Kendrick, STEM was on both general and specific notice of the fact that STEM might be attacked by one or more shooters. STEM failed to take all of the reasonable steps necessary to protect the school and its students from that serious risk, as detailed herein. In fact in the face of that risk STEM subverted and weakened the professionally trained and armed School Resource Officer, thereby undermining the deterrent effect of having an armed SRO within the school and allowing the potential shooters to believe they would be able to execute their initial attack without armed or other formal law enforcement resistance.

Additional Warning Prior to Fatal School Shooting

15. In addition to the general notice of the threat of a school shooting at STEM described herein, STEM knew or should have known of specific warnings of an attack that were issued prior to Kendrick being gunned down at school on May 7, 2019.
16. On December 17, 2018, Wendy Vogel, Education Director for the Douglas County School District Board, received a warning phone call from a concerned parent of a STEM senior.
17. On December 19, 2018, Daniel Winsor, Director of Choice Programming for the Douglas County School District, summarized the phone call in an internal communication sent to Penelope Eucker, Executive Director of STEM.
18. Mr. Winsor's summary indicated that the anonymous parent warned in part that:
 - a. STEM is a "high-pressure environment" and students are "susceptible to copy-cattin'" resulting in a "perfect storm" for a "repeat of Columbine and Arapahoe."
 - b. "Kids learned to build a bomb in school" leading to a bomb threat.
 - c. Parents are afraid of speaking out for fear their student will be expelled.
 - d. The Douglas County Sherriff's Department has investigated several issues and "they have expressed concerns about safety issues."
 - e. "The executive director ignored many complaints and issues already brought forward by the caller and informed the caller that 'I know we have bullying and special needs students that cause problems, but those students will just leave.'"
19. Prior to attending STEM, McKinney was enrolled at Jefferson Hills, a school designed for at-risk youth.
20. Prior to attending STEM, McKinney's former school suspended him for five days and placed him in a juvenile diversion program because he provided Xanax to a student who suffered an overdose.
21. In February 2018, STEM knew of McKinney's disciplinary history.
22. McKinney's friends and former significant other told media outlets that they knew about his extensive drug use; that he claimed to hear voices; that he self-harmed; and that he was suicidal.
23. Approximately six months before the shooting, McKinney was the subject of a Safe2Tell complaint noting he threatened to cut himself and commit suicide. McKinney was involuntarily committed to a hospital on a mental health hold.
24. McKinney was hospitalized twice in the prior years: once for mixing Xanax and alcohol, and once for cutting himself.
25. Prior to the fatal school shooting, Erickson was involved in an assault that was not investigated.

Warning of a School Shooting at STEM Eight Days Before the Attack

26. The STEM Wikipedia page contained the quote: “Anti-suicide programs are implemented to help lower chances of suicide and school shootings.”
27. On April 28, 2019, a user added the line: “Do they work? We shall see.”

STEM School Shooting

28. McKinney admits to planning the attack for several weeks.
29. On the night of May 6, 2019, McKinney sent Erickson a Snapchat indicating he would seek revenge the next day.
30. At 10:30 am on May 7, 2019, Erickson left his photography class claiming to be sick, and went home with a friend before returning to school.
31. STEM classroom policies and practices permitted students, like McKinney and Erickson, to move about the school at will, both during the school day and while class was in session, even after the multiple warnings to STEM that there might be a school shooting.
32. Erickson left school again during the lunch hour, picked up McKinney, and went to Erickson’s house.
33. McKinney and Erickson obtained firearms by forcing open a gun safe.
34. They placed a .22-caliber rifle and a Glock 21 handgun in a guitar case and a Beretta M9 and a revolver in a backpack, along with extra ammunition.
35. The two used cocaine, before writing “the voices win” in nail polish on the closet wall housing the gun safe; spraying “fuck society,” “666,” and a pentagram on Erickson’s mother’s car; and setting the car on fire.
36. McKinney and Erickson returned to the school, unobserved by any staff, and entered through the Middle School entrance, unchecked, with no questions asked and no screening of the backpack or guitar case.
37. No person from STEM challenged, stopped, or in any way monitored McKinney and Erickson’s re-entrance into the school, even after the multiple warnings to STEM that there might be a school shooting.
38. McKinney and Erickson targeted classroom 107, where Erickson’s British Literature class of 29 students was screening *The Princess Bride*.

39. Erickson entered the classroom alone and dropped off his guitar case, before asking to leave the classroom claiming to be ill.
40. No STEM employee contacted a school nurse, a security person, or otherwise directed or controlled Erickson's free movement within the building, even after the multiple warnings to STEM that there might be a school shooting.
41. Erickson and McKinney returned to the classroom.
42. Erickson pulled the magnetic strip and shut the classroom door to prevent it from being opened from the outside.
43. McKinney and Erickson pulled out the weapons which they had been allowed to carry into the school and classroom unchecked.
44. In a heroic effort to save his classmates and teacher, Kendrick rushed Erickson.
45. Erickson fired his weapon into Kendrick's chest, killing him.
46. Several students pinned Erickson until law enforcement arrived.
47. Kendrick sustained a fatal gunshot wound to his chest. He was a four-year member of the school's robotics team and had completed multiple technology internships. He loved the Marines, his Jeep, hoped to study electrical engineering in college, and was scheduled to finish his last class three days after the shooting.

First Claim for Relief

Plaintiffs against STEM Highlands Ranch

C.R.S. § 24-10-106.3 (Claire Davis School Safety Act)

48. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.
49. Pursuant to the Claire Davis School Safety Act, Defendant STEM owed a "duty to exercise reasonable care to protect all students, faculty, and staff from harm from acts committed by another person when the harm is reasonably foreseeable" while within school facilities or during school-sponsored events.
50. Defendant STEM breached that duty in many ways including but not limited to failing to:
 - a. Properly respond to the ever-present and foreseeable risk of a school shooting as well as the multiple specific warnings of a school shooting at STEM that preceded the death of Kendrick, including but not limited to the multiple warnings detailed previously in this Complaint, including but not limited to the warning that was phoned into the school and the warning of a school shooting that was posted on STEM's Wikipedia page approximately eight days before Kendrick was killed in a school shooting at STEM, and

the information available to the defendants about the dangerousness of Erickson and McKinney;

- b. Use reasonable care in response to the foreseeable danger of a school shooting at STEM including but is not limited to the failure to adequately investigate and respond to the prior warnings, the failure to have an adequate plan in place to prevent a school shooting, the failure to control and monitor access to the school during the school day, the failure to adequately check and screen for weapons, the failure to adequately monitor Erickson and McKinney, the decision to allow students to wander the hallways and in and out of the classroom while class is in session, the acts and omissions of defendants which resulted in the loss of the properly trained and armed SRO within the school, and the failure to have properly trained and openly armed security within STEM following the threats.

51. Defendant STEM's breach caused the wrongful death of Kendrick, resulting in damages and losses to Plaintiffs.

52. As a direct and proximate result of Defendant Douglas County's negligence causing the wrongful death of Kendrick Castillo, Plaintiffs seek past and future wrongful death damages for economic and non-economic losses, including but not limited to: grief, loss of companionship, impairment of quality of life, inconvenience, pain and suffering, emotional stress, funeral and burial expenses, and financial loss.

Second Claim for Relief

*Plaintiffs against Douglas County School District
C.R.S. § 24-10-106.3 (Claire Davis School Safety Act*

53. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.

54. Pursuant to the Claire Davis School Safety Act, Defendant Douglas County owed a "duty to exercise reasonable care to protect all students, faculty, and staff from harm from acts committed by another person when the harm is reasonably foreseeable" while within school facilities or during school-sponsored events.

55. Defendant Douglas County breached that duty in many ways including but not limited to failing to:

- c. Properly respond to the ever-present and foreseeable risk of a school shooting as well as the multiple specific warnings of a school shooting at STEM that preceded the death of Kendrick, including but not limited to the multiple warnings detailed previously in this Complaint, including but not limited to the warning that was phoned into the school and the warning of a school shooting that was posted on STEM's Wikipedia page approximately eight days before Kendrick was killed in a school shooting at STEM, and the information available to the defendants about the dangerousness of Erickson and McKinney;
- d. Use reasonable care in response to the foreseeable danger of a school shooting at STEM including but is not limited to the failure to adequately investigate and respond to the prior warnings, the failure to have an adequate plan in place to prevent a school shooting,

the failure to control and monitor access to the school during the school day, the failure to adequately check and screen for weapons, the failure to adequately monitor Erickson and McKinney, the decision to allow students to wander the hallways and in and out of the classroom while class is in session, the acts and omissions of defendants which resulted in the loss of the properly trained and armed SRO within the school, and the failure to have properly trained and openly armed security within STEM following the threats.

56. Defendant Douglas County's breach caused the wrongful death of Kendrick, resulting in damages and losses to Plaintiffs.
57. As a direct and proximate result of Defendant Douglas County's negligence causing the wrongful death of Kendrick Castillo, Plaintiffs seek wrongful death damages for economic and non-economic losses, including but not limited to: grief, loss of companionship, impairment of quality of life, inconvenience, pain and suffering, emotional stress, funeral and burial expenses, and financial loss.

Third Claim for Relief
Plaintiffs against STEM Highlands Ranch
Wrongful Death

58. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.
59. Plaintiffs claim negligence against Defendant STEM for the wrongful death of Kendrick, decedent.
60. Defendant STEM knew or should have known of the general and specific risks and threats of a school shooting at STEM.
61. Defendant STEM owed Kendrick and all students, faculty, and staff a duty to protect them from harm during the school day, including to do everything reasonably possible to protect them from a school shooting.
62. Defendant STEM breached that duty in many ways including but not limited to failing to:
- e. Properly respond to the ever-present and foreseeable risk of a school shooting as well as the multiple specific warnings of a school shooting at STEM that preceded the death of Kendrick, including but not limited to the multiple warnings detailed previously in this Complaint, including but not limited to the warning that was phoned into the school and the warning of a school shooting that was posted on STEM's Wikipedia page approximately eight days before Kendrick was killed in a school shooting at STEM, and the information available to the defendants about the dangerousness of Erickson and McKinney;
 - f. Use reasonable care in response to the foreseeable danger of a school shooting at STEM including but is not limited to the failure to adequately investigate and respond to the prior warnings, the failure to have an adequate plan in place to prevent a school shooting, the failure to control and monitor access to the school during the school day, the failure to

adequately check and screen for weapons, the failure to adequately monitor Erickson and McKinney, the decision to allow students to wander the hallways and in and out of the classroom while class is in session, the acts and omissions of defendants which resulted in the loss of the properly trained and armed SRO within the school, and the failure to have properly trained and openly armed security within STEM following the threats.

63. Defendant STEM's breach caused the wrongful death of Kendrick, resulting in damages and losses to Plaintiffs.
64. Kendrick was not contributorily or comparatively negligent.
65. Kendrick did not assume the risk of injury and death.
66. As a direct and proximate result of Defendant STEM's negligence causing the wrongful death of Kendrick, Plaintiffs seek wrongful death damages for economic and non-economic losses, including but not limited to: grief, loss of companionship, impairment of quality of life, inconvenience, pain and suffering, emotional stress, funeral and burial expenses, and financial loss.

Fourth Claim for Relief

*Plaintiffs against Douglas County School District
Wrongful Death*

67. Plaintiffs incorporate by reference all other paragraphs of this Complaint as if fully set forth herein.
68. Plaintiffs claim negligence against Defendant Douglas County for the wrongful death of Kendrick Castillo, decedent.
69. Defendant Douglas County knew or should have known of the general and specific risks and threats of a school shooting at STEM.
70. Defendant Douglas County owed Kendrick and all students, faculty, and staff a duty to oversee security measures at STEM, including to do everything reasonably possible to protect them from a school shooting.
71. Defendant Douglas County breached that duty in many ways including but not limited to failing to:
 - g. Properly respond to the ever-present and foreseeable risk of a school shooting as well as the multiple specific warnings of a school shooting at STEM that preceded the death of Kendrick, including but not limited to the multiple warnings detailed previously in this Complaint, including but not limited to the warning that was phoned into the school and the warning of a school shooting that was posted on STEM's Wikipedia page approximately eight days before Kendrick was killed in a school shooting at STEM, and the information available to the defendants about the dangerousness of Erickson and McKinney;

h. Use reasonable care in response to the foreseeable danger of a school shooting at STEM including but is not limited to the failure to adequately investigate and respond to the prior warnings, the failure to have an adequate plan in place to prevent a school shooting, the failure to control and monitor access to the school during the school day, the failure to adequately check and screen for weapons, the failure to adequately monitor Erickson and McKinney, the decision to allow students to wander the hallways and in and out of the classroom while class is in session, the acts and omissions of defendants which resulted in the loss of the properly trained and armed SRO within the school, and the failure to have properly trained and openly armed security within STEM following the threats.

72. Defendant Douglas County's breach caused the wrongful death of Kendrick, resulting in damages and losses to Plaintiffs.
73. Kendrick was not contributorily or comparatively negligent.
74. Kendrick did not assume the risk of injury and death.
75. As a direct and proximate result of Defendant Douglas County's negligence causing the wrongful death of Kendrick Castillo, Plaintiffs seek wrongful death damages for economic and non-economic losses, including but not limited to: grief, loss of companionship, impairment of quality of life, inconvenience, pain and suffering, emotional stress, funeral and burial expenses, and financial loss.

Fifth Claim for Relief

*Plaintiffs against STEM School and Douglas County School District
Joint & Several Liability pursuant to C.R.S. 13-21-111.5(4)*

76. Plaintiffs incorporate by reference each and every paragraph contained herein.
77. Defendant STEM and Defendant Douglas County acted in concert to provide a safe school environment for Kendrick.
78. Defendants expressly or impliedly agreed to work with each other to provide a safe school environment for Kendrick.
79. Upon information and belief, all named Defendants shared a mutual understanding and agreement as to the implementation of safety measures at STEM.
80. Accordingly, all named Defendants herein are jointly and severally liable for damages suffered by Plaintiffs, pursuant to C.R.S. 13-21-111.5(4).
81. As a direct and proximate result of Defendant Douglas County's negligence causing the wrongful death of Kendrick Castillo, Plaintiffs seek wrongful death damages for economic and non-economic losses, including but not limited to: grief, loss of companionship, impairment of quality of life, inconvenience, pain and suffering, emotional stress, funeral and burial expenses, and financial loss.

WHEREFORE, Plaintiffs pray that judgment be entered in their favor and against Defendants for past and future general and special damages for the wrongful death of their son daughter, including grief, loss of companionship, impairment of quality of life, inconvenience, pain and suffering, emotional stress, funeral and burial expenses, and financial loss in an amount to be determined by a jury.

Plaintiffs further pray that the Court award them prejudgment interest, post-judgment interest, and costs of this suit as permitted by Colorado law, and any further relief as the Court may deem just and proper.

PLAINTIFFS REQUEST A TRIAL BY JURY

Respectfully submitted the 6th day of May 2021.

THE DAN CAPLIS LAW FIRM, LLC

/s/Daniel J. Caplis

Daniel J. Caplis, #13171

Henry Minter, #37412

Attorneys for Plaintiffs

This document was filed electronically pursuant to Rule 121 § 1-26(7). The original signed document is on file in counsel's office.

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