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APR 05 2017

SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

ESTATE OF BRENDA LIZ THURMAN, by
and through GABRIELLE CORRIETTE,
Personal Representative,
Plaintiffs,

vs.

DWAYNE K. THURMAN,
Defendants.

Case No.:

17 400497 - 1

COMPLAINT FOR RELIEF UNDER
RCW 11.84 et. seq.

Plaintiff by way of Complaint against the defendant named herein, state and allege as
follows:

PARTIES:

1. Plaintiff GABRIELLE CORRIETTE is the Personal Representative of the
ESTATE OF BRENDA LIZ THURMAN. Benda Thurman died intestate on January 18, 2016.
Letters of Administration were issued by the Spokane County Superior Court on November 3,
2016.

2. Defendant DWAYNE K. THURMAN was married to BRENDA LIZ
THURMAN at the time of her death.

COMPLAINT FOR RELIEF
UNDER RCW 11.84 et. seq.

- 1

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COPY

JURISDICTION AND VENUE

3. At all times material hereto, BRENDA LIZ THURMAN and DWAYNE K. THURMAN resided Spokane County, State of Washington. The Probate of the ESTATE OF BRENDA LIZ THURMAN is currently pending in the Spokane Superior Court under cause number 16-4-01588-5. This action is brought pursuant to the Washington Trust and Estates Dispute Resolution Act (TEDRA). Jurisdiction and venue are proper in this Court.

FACTS:

4. On or about January 18, 2016, Gabrielle Corriette was at home and asleep in her bedroom at 14121 E. Sinto, Spokane Valley, Washington, which at the time was also the home of her parents Brenda and Dwayne Thurman.

5. At approximately 10:00 a.m., Gabrielle was awakened by a loud noise. She did not get out of bed at that time. A short time later, Gabrielle again heard Defendant call her name. This time, she responded and went downstairs.

6. Upon entering the kitchen, Gabrielle saw Defendant on his knees on the kitchen floor holding her mother, who appeared to have a gunshot wound to her chest just below the throat. Gabrielle asked Defendant what had happened, and Defendant stated "a gun went off." Brenda Thurman was not breathing and was not able to speak or respond to questions.

7. Gabrielle began to perform CPR on her mother, who started struggling to breathe on her own. Defendant then called 9-1-1. After waiting several minutes for emergency responders to arrive, Gabrielle and Defendant carried Brenda Thurman to Gabrielle's car. Gabrielle then drove to the Spokane Valley Hospital Emergency. At no time did Defendant perform CPR on Brenda or attempt any other life-saving measures.

1 8. Brenda Thurman was pronounced dead a short time after arriving at Spokane
2 Valley Hospital. The cause of death was a single gunshot wound to the chest.

3 9. On information and belief, Defendant told police that he was in the kitchen
4 cleaning a pistol that belonged to Brenda Thurman when the gun accidentally fired. Defendant
5 told police that he had simultaneously pulled the trigger and attempted to remove the slide of the
6 pistol when it fired. A single bullet struck Brenda Thurman in the upper chest as she was sitting
7 at the kitchen table.
8

9 10. Defendant and Brenda Thurman had been having marital problems for at least a
10 year prior to Brenda Thurman's death. Several weeks prior to her death, Brenda Thurman had
11 suggested to Defendant that they seek marriage counseling. Defendant did not respond to that
12 suggestion or otherwise make any effort to resolve issues that had arisen during the marriage,
13 including Brenda's belief that Defendant had been engaged in extramarital affairs.
14

15 11. About two weeks prior to her death, Brenda Thurman had informed Defendant
16 that she had accumulated approximately \$80,000 in the Thrift Savings Plan retirement account
17 she had established through the Veterans Administration. Defendant was the beneficiary of that
18 account, making the funds in the account payable to him upon Brenda Thurman's death.
19

20 12. At the time of Brenda Thurman's death, Defendant was a Reserve Deputy Sheriff
21 with the Lincoln County Sheriff's Department. As a Reserve Deputy Sheriff, Defendant had
22 received extensive training in the use and care of firearms, including firearm safety. Defendant
23 knew that a firearm, even one that is not loaded, should never be pointed at any person unless the
24 intent is to shoot them. Defendant had also received training in performing CPR and other
25 potentially life-saving techniques. Defendant's act of pointing the pistol at Brenda Thurman and
26 pulling the trigger, as well as Defendant's failure to immediately call 9-1-1 and to perform CPR
27
28

1 or other potentially life-saving measures were done with the intent to cause Brenda Thurman's
2 death.

3 13. Defendant acted both willfully and unlawfully in causing the death of Brenda
4 Thurman and is therefore a "slayer" as defined under RCW 11.84.010(5). Under Washington
5 law, Defendant is deemed to have predeceased Brenda Thurman and is not entitled to receive any
6 distribution from the Estate.
7

8
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10 PRAYER FOR RELIEF:

11 WHEREFORE plaintiff prays for the following relief:

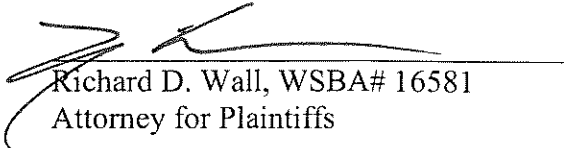
12 For an order disinheriting Defendant as a slayer pursuant to RCW 11.84 et. seq.
13 and prohibiting Defendant from receiving any distribution from the Estate of Brenda Liz
14 Thurman;

15 For an order directing that the proceeds of any and all insurance policies,
16 retirement accounts, or other similar assets of Brenda Thurman payable to Defendant
17 shall be paid instead to the Estate of Brenda Liz Thurman pursuant to RCW 11.84.100(1);

18 For reasonable costs and attorney fees incurred in bringing the present action; and

19 For such further legal and equitable relief as to the court appears just.
20

21
22 Dated this 4th day of April, 2017.

23
24
25 
26 Richard D. Wall, WSBA# 16581
27 Attorney for Plaintiffs
28

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SPOKANE COUNTY CLERK

7 SUPERIOR COURT OF THE STATE OF WASHINGTON
8 IN AND FOR THE COUNTY OF SPOKANE

9 ESTATE OF BRENDA LIZ THURMAN, by
10 and through GABRIELLE CORRIETTE,
11 Personal Representative, GABRIELLE M.
12 CORRIETTE, individually, and MICHAEL D.
13 THURMAN,

14 Plaintiffs,

15 vs.

16 DWAYNE K. THURMAN,

17 Defendant.

Case No.:

17201246-1

COMPLAINT FOR DAMAGES AND
WRONGFUL DEATH

18 Plaintiffs by way of Complaint against the Defendant named herein, state and allege as
19 follows:

20 JURISDICTION AND VENUE:

21 1. Jurisdiction and venue are proper in this court because the defendant resides in
22 Spokane County, Washington, and the acts and/or omissions giving rise to this action occurred in
23 Spokane County, Washington.

24 PARTIES:

25 2. Gabrielle Corriette is the Personal Representative of the Estate of Brenda Liz
26 Thurman and the daughter of Brenda Liz Thurman. Michael D. Thurman is the son of Brenda
27 Liz Thurman.
28

COMPLAINT

- 1

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3. Defendant Dwayne K. Thurman was married to Brenda Liz Thurman at the time of her death and is the legal father of both Gabrielle Corriette and Michael Thurman.

FACTS:

4. On or about January 18, 2016, Gabrielle Corriette was at home and asleep in her bedroom at 14121 E. Sinto, Spokane Valley, Washington, which at the time was also the home of her parents Brenda and Dwayne Thurman.

5. At approximately 10:00 a.m., Gabrielle was awakened by a loud noise. She did not get out of bed at that time. Gabrielle then heard Defendant call her name from downstairs. Gabrielle did not detect any particular urgency in Defendant's voice and did not respond immediately. A short time later, Gabrielle again heard Defendant call her name. This time, she responded by going downstairs.

6. Upon entering the kitchen, Gabrielle saw Defendant on his knees on the kitchen floor holding her mother, who appeared to have a gunshot wound to her chest just below the throat. Gabrielle asked Defendant what had happened, and Defendant stated "a gun went off." At this time, Defendant had not yet called 9-1-1 and was not making any effort to provide CPR or otherwise provide medical aid of any kind to Brenda Thurman. Brenda Thurman did not appear to be breathing and was unable to speak or respond to questions.

7. Gabrielle began performing CPR on her mother, who started struggling to breathe on her own. At that time, Defendant told Gabrielle that they should call 9-1-1. Gabrielle ran upstairs to get her phone, but the phone was not charged. When Gabrielle returned, Defendant told her he had called 9-1-1. Gabrielle then took the phone from Defendant and spoke to the 9-1-1 operator.

1 8. After waiting several minutes for an ambulance to arrive, Gabrielle and the
2 Defendant carried Brenda Thurman out to Gabrielle's car and placed her in the front passenger
3 seat. Defendant then got on top of Brenda Thurman, but did not appear to be performing any
4 life-saving measures or assisting her in any way. They then drove to Spokane Valley Hospital
5 where Brenda Thurman was pronounced dead a short time later.
6

7 9. On information and belief, Defendant told police that he was cleaning a pistol that
8 belonged to Brenda Thurman when it discharged. The gun fired a single bullet directly at
9 Brenda Thurman, who was sitting on the opposite side of the kitchen table, The bullet struck her
10 in the upper chest area. Defendant claimed the shooting was accidental.
11

12 10.. At the time of Brenda Thurman's death, Defendant was a Reserve Deputy Sheriff
13 with the Lincoln County Sheriff's Department. As a Reserve Deputy Sheriff, Defendant had
14 received extensive training in the use and care of firearms, including firearm safety. Basic
15 firearm safety training includes training that a firearm should never be pointed at any person
16 unless the intent is to shoot the person, even if the firearm is not loaded. Defendant had also
17 received training in the performance of CPR and other potentially life-saving techniques.
18

19 11. Defendant's act of pointing the pistol at Brenda Thurman when allegedly cleaning
20 it as well as his failure to immediately call 9-1-1 or perform other potentially life-saving
21 measures to aid Brenda Thurman after she had been shot constitutes gross negligence and was
22 the direct and proximate cause of Brenda Thurman's death. As a result of Defendant's conduct,
23 Brenda Thurman suffered damages in the form of extreme physical pain and suffering as well as
24 mental and emotional distress for a substantial period of time prior to her death.
25

26 12. As a direct and proximate result of Defendant's actions, the Estate of Brenda
27 Thurman has suffered damages in the form of lost future wages and accumulation of wealth.
28

1 Plaintiffs Gabrielle Corriette and Michael Thurman have suffered extreme mental and emotional
2 distress, the loss of companionship, love and affection of their mother, and the loss of financial
3 support.

4
5 CAUSES OF ACTION:

6 **Wrongful Death**

7
8 12. The conduct of Defendant as alleged herein constitutes wrongful death under the
9 laws of the State of Washington for which Defendant is liable to Plaintiffs under RCW 4.20.010,
10 4.20.020, 4.20.060, and 4.24.010. .

11 **Negligence**

12
13 13. The conduct of Defendant as alleged herein constitutes a failure to exercise due
14 care for the safety of Brenda Thurman and was the direct and proximate cause of injury to
15 Brenda Thurman resulting in her death. Defendant is liable for all damages to Plaintiffs
16 proximately resulting from Defendant's negligent acts.

17
18 PRAYER FOR RELIEF:

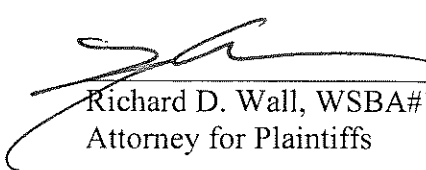
19 WHEREFORE plaintiff prays for the following relief:

20
21 For an award of special and general damages in an amount to be proved at trial;

22 For reasonable costs and attorney fees incurred in bringing the present action; and

23 For such further legal and equitable relief as to the court appears just.

24 Dated this 27th day of April, 2017.

25
26
27 
28 Richard D. Wall, WSBA#16581
Attorney for Plaintiffs