

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

NICHOLAS RICKS,

Plaintiff,

vs.

OMAR RAMZI ARAIM,

Defendant.

Case No. 19CV56324

COMPLAINT

(Personal Injury – Battery – for claim up to
\$21,527,604.53)

Filing Fee: \$1,178 (ORS 21.160(1)(e))

**CLAIM NOT SUBJECT TO MANDATORY
ARBITRATION**

DEMAND FOR JURY TRIAL

Plaintiff (“NICK RICKS”) alleges:

1.

Due to the amount prayed for herein this claim is not subject to mandatory arbitration.

2.

At all times material, NICHOLAS RICKS was and is an Oregon resident.

3.

At all times material, Defendant was and is an Oregon resident.

4.

On or about December 31, 2017, Plaintiff was celebrating New Years Eve with his wife
at Crossroads BBQ Pit and Pub (hereinafter referred to as “Crossroads”) located at 121 NE 3rd
Street in Prineville, Oregon.

5.

At the same time, Defendant and his significant other were also at Crossroads.

/////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

6.

While at Crossroads, a verbal and physical altercation broke out amongst several women, one of which was Defendant’s significant other and the other was a friend of NICK RICKS’ wife. During that altercation, Defendant’s significant other slapped said friend.

7.

Later in the night, at approximately 1:15 a.m. on January 1, 2019, another altercation broke out between Defendant’s significant other and a handful of women at Crossroads. During that altercation, Defendant’s significant other slapped and pushed one of the women in the group. As a result, NICK RICKS attempted to break the second altercation up.

8.

During this second altercation, Defendant walked out of the bar, opened his truck parked in the lot outside, and grabbed a Smith & Wesson M&P .45 handgun.

9.

Defendant then reentered the bar with his handgun and approached the group involved the altercation. After NICK RICKS had just finished breaking the altercation up, Defendant raised his handgun and shot NICK RICKS several times in the back.

10.

As alleged above, Defendant engaged in harmful contact with the person of NICK RICKS. Said act caused NICK RICKS’ injuries and damages as alleged herein, all of which were reasonably foreseeable.

11.

Defendant performed such acts with the intent to cause a harmful contact with the body of NICK RICKS, and said acts succeeded in causing such harmful contact as intended.

//////
//////
//////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

12.

As a result of Defendant's harmful contact, NICK RICKS sustained the following injuries and noneconomic damages, all of which were reasonably foreseeable, and some of which are permanent:

- (a) Damage to the muscles, ligaments, tendons, nerves, and other soft tissue of the thorax, abdomen, internal organs, thoracic spine, lumbar spine and right arm;
- (b) Gunshot wound causing shattered vertebrae at L1 and L2, requiring surgery, but ultimately resulting in complete and permanent L1 paraplegia, including bladder, bowel, pelvic and bilateral leg paralysis;
- (c) Gunshot wound to the liver, requiring multiple surgeries;
- (d) Gunshot wounds to the bilateral lungs, requiring multiple surgeries;
- (e) Gunshot wounds to the kidneys, requiring multiple surgeries;
- (f) Gunshot wound to the colon, requiring multiple surgeries including a colostomy;
- (g) Loss of bladder control, requiring permanent catheterization;
- (h) Hepatic abscesses, requiring surgery;
- (i) Gunshot wounds to the right arm, requiring surgery;
- (j) Heterotopic ossification of the left hip and pelvis, with associated multiple fractures and pseudoarthroses of the ossification, requiring multiple surgeries;
- (k) Diastasis of the rectus abdominus, with associated protrusion of mesenteric fat and bowel into the defect, requiring surgery;
- (l) Bilateral multiple pulmonary embolisms;
- (m) Deep vein thrombosis;
- (n) Multiple retained ballistic fragments in the abdomen, spine and spinal canal;
- (o) Severe pain, including neuropathic pain;
- (p) Difficulty sleeping;
- (q) Severe emotional distress, including Adjustment Disorder, Anxiety and Depression;

- 1 (r) Pain, discomfort, and suffering; and
2 (s) Inconvenience and interference with usual and everyday activities, apart from gainful
3 employment;

4 All to NICK RICKS' noneconomic damage in an amount determined by the jury to be fair and
5 reasonable, but not to exceed the sum of **\$15,000,000**.

6 **13.**

7 As a result of Defendant's harmful contact, NICK RICKS sustained the following
8 economic damages, all of which were reasonably foreseeable:

- 9 (a) Reasonable and necessary medical expenses to date in the approximate sum of
10 **\$1,214,624.53**;
11 (b) Future reasonable and necessary medical expenses in an amount to be determined at the
12 time of trial, but for the purposes of ORCP 18, estimated to be **\$1,500,000**;
13 (c) Impairment of earning capacity in the approximate sum of **\$2,352,480**;
14 (d) Substitute household services in the approximate sum of **\$750,000**;
15 (e) Future transportation costs in the approximate sum of **\$300,000**;
16 (f) Future reasonable and necessary architectural renovations in the approximate sum of
17 **\$400,000**; and
18 (g) Loss of personal property, including NICK RICKS' wedding ring, in the approximate
19 sum of **\$10,500**;

20 All to NICK RICKS' economic damages in the sum of **\$6,527,604.53**.

21 **NOTICE OF INTENT TO AMEND TO INCLUDE CLAIM FOR PUNITIVE DAMAGES**

22 **14.**

23 At all times material, Defendant showed a reckless and outrageous indifference to a
24 highly unreasonable risk of harm and has acted with a conscious indifference to the health,
25 safety and welfare of others. NICK RICKS, gives notice of his intent to move the court to
26 amend this complaint to allege punitive damages against Defendant pursuant to ORS 31.725.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREFORE, Plaintiff NICK RICKS prays for judgment against Defendant for noneconomic damage in an amount determined by the jury to be fair and reasonable, but not to exceed the sum of **\$15,000,000**, for economic damage in an amount determined by the jury to be fair and reasonable, but not to exceed the sum of **\$6,527,604.53**, for his costs and disbursements incurred herein, and for any other relief the Court deems appropriate.

Dated: December 30, 2019.

DWYER WILLIAMS CHERKOSS
ATTORNEYS, P.C



Tim Williams OSB #034940
Attorney for Plaintiff