

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

2019 JAN 30 PM 3:06
RECEIVED K. ROBERT REINKING
D.C.

SHAUNDELLE BROOKS, individually, §
and next-of-kin to the deceased, §
AKILAH DASILVA, §

Plaintiff, §

v. §

TRAVIS REINKING and §
JEFFREY L. REINKING, §

Defendants. §

Case No. 18C1777

JURY DEMANDED

PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff, for her First Amended Complaint against Defendants, states as follows:

INTRODUCTION

1. Akilah DaSilva was a beloved son, brother, and budding musician who was pursuing a promising career in computer engineering at Middle Tennessee State University. He loved his family, photography, writing poetry, and directing music videos. See **Exhibit A**. On April 22, 2018, Travis Reinking gunned him down with an AR-15 style rifle that had been returned to him by his father, Jeffrey Reinking, despite Mr. Reinking's actual knowledge that his son was delusional, had previously threatened one of his employees with a rifle, and posed a severe risk of harm to himself and others.

2. Due to Jeffrey Reinking's gross negligence and his criminally proscribed firearm transfer to his son, Akilah DaSilva was brutally and senselessly murdered.

3. This lawsuit, filed on Mr. DaSilva's behalf by his grieving mother, seeks to hold both Defendants accountable for their tortious and criminal misconduct.

I. PARTIES

4. Plaintiff Shaundelle Brooks is Mr. DaSilva's mother and next-of-kin. She is a citizen and resident of Davidson County, Tennessee.

5. Defendant Travis Reinking is the criminal defendant in Case GS851690, Incident Number 2018-0359285, who murdered Akilah DaSilva on April 22, 2018.

6. Travis Reinking is a citizen and resident of Davidson County, Tennessee.

7. Travis Reinking may be served at his residence in the Maximum Correctional Center located at 5113 Harding Place, Nashville TN 37211.

8. Defendant Jeffrey Reinking is a citizen and resident of Tazewell County, Illinois.

9. Defendant Jeffrey Reinking is the father of Defendant Travis Reinking, who brutally murdered Akilah DaSilva with a Bushmaster XM-15 rifle that Jeffrey Reinking returned to him in Tazewell County, Illinois after Travis Reinking became a resident of Tennessee. Jeffrey Reinking is a citizen of Tazewell County, Illinois.

10. Jeffrey Reinking may be served through his counsel of record or at his residence at 27380 Broadway Rd., Morton, IL, 61550-9410.

II. JURISDICTION, AUTHORITY AND VENUE

11. This Court has jurisdiction over this lawsuit pursuant to Tenn. Code Ann. § 16-10-101.

12. The Plaintiff, Shaundelle Brooks, has the authority to bring this wrongful death action as next-of-kin to the decedent pursuant to Tenn. Code Ann. § 20-5-107(a).

13. As the county where the causes of action arose and where the Plaintiff and Defendant Travis Reinking reside, venue in this matter is proper pursuant to Tenn. Code Ann. § 20-4-101(a).

III. FACTUAL ALLEGATIONS

14. On multiple occasions in 2016 and 2017, Defendant Jeffrey Reinking took possession of multiple firearms owned by his son, Travis Reinking.

15. Each time that he took possession of Travis Reinking's firearms, Defendant Jeffrey Reinking ultimately returned them to Travis Reinking despite his actual knowledge that his son was mentally unstable, delusional, and a danger to himself and others.

16. On or about May 26, 2016, the Tazewell County Sheriff's Office responded to an incident at a CVS parking lot in Morton, Illinois, in which "Travis J. Reinking was delusional and believed the famous entertainer, Taylor Swift, was harassing him via stalking and hacking his phone. Travis believed everyone including his own family and the police are involved."

17. Law enforcement responded to the incident because "Travis' mother, Judith Reinking, father, Jeffrey Reinking, and grandmother, Marilyn Hopper, were worried about Travis so they called [Emergency Response Services]."

18. On or about May 27, 2016, Travis Reinking insisted that: "Taylor hacked his Netflix account and told him to meet her at the Dairy Queen in Morton. When Travis arrived, Taylor was across the street yelling at him before she took off running. Travis chased her in an attempt to get her to stop harassing him. Taylor climbed up the side of a building and Travis followed. However, when he reached the rooftop, Taylor was gone."

19. None of the events that Travis Reinking was upset about had actually occurred.

20. Travis Reinking's belief that Taylor Swift had hacked his Netflix account and was harassing him was attributable to the fact that Travis Reinking was suffering from

delusions and hallucinations and has schizophrenia.

21. On or about May 27, 2016, and at all times relevant thereafter, Jeffrey Reinking was aware of Travis Reinking's genuine belief that Taylor Swift had stalked and chased him. Jeffrey Reinking additionally knew that Travis's beliefs were not grounded in reality.

22. Jeffrey Reinking was present at the CVS parking lot when law enforcement arrived, and he informed the responding officers that "Travis has been having these delusions since August 2014" and had made comments about killing himself earlier in the day.

23. As a result of the incident in May 2016, law enforcement attempted to get Travis Reinking to go to a hospital to be evaluated, but he was uncooperative.

24. Accordingly, "Travis was advised he did not have a choice and was going to go for evaluation."

25. Thereafter, law enforcement did in fact take Travis Reinking to a hospital against his will.

26. A police report regarding the incident on or about May 27, 2016 indicated that "Travis is hostile towards police and does not recognize police authority."

27. Jeffrey Reinking was aware of the above-described May 2016 incident. After Travis Reinking was involuntarily taken to a hospital against his will, Defendant Jeffrey Reinking personally drove Travis' vehicle to his house so that it did not sit in the CVS parking lot.

28. Defendant Jeffrey Reinking knew that Travis Reinking could not drive the car himself because he had been taken to a hospital against his will to undergo a mental health evaluation after suffering from delusions and hallucinations.

29. Thus, by at least May 2016, Jeffrey Reinking was aware that Defendant Travis Reinking was suicidal; suffered from delusions; had baselessly believed that others—including Taylor Swift—had stalked, chased, and harassed him; and that Travis Reinking had been involuntarily hospitalized for his mental health issues against his will.

30. On June 16, 2017, Travis Reinking arrived at Defendant Jeffrey Reinking's business, J&J Cranes, with a rifle while wearing a pink dress or a woman's house coat.

31. While holding the rifle, Travis Reinking began yelling at employees "is this what you fucking want" and then threw the rifle in the trunk of his car and sped away.

32. Travis Reinking then drove to the Tremont swimming pool and took off his dress, jumped in the pool, began yelling at people, tried to get the lifeguards to fight him, and "showed his genitals saying he was a man."

33. After this incident, a Tazewell County Sheriff's Officer "contacted Jeff Reinking" on his cell phone and "advised him of what was going on."

34. In response, Defendant Jeffrey Reinking made the following statements to the Tazewell County Sheriff's Office: "Jeff stated that awhile back he took 3 rifles and a hand gun away and locked them up when Travis was having problems. Jeff wanted to move out of state so he gave them back to him Jeff stated he called his daughter [], who was going to stop by the shop and talk to Travis."

35. Defendant Jeffrey Reinking's daughter was subsequently advised of what had happened, and "she stated she was fine by herself and would talk to Travis and see if she could store the weapons for safe keeping."

36. Thereafter, a Tazewell County Sheriff's Officer "called back Jeff Reinking and advised him of what happened and when he gets back home he might want to lock the guns back up until Travis gets mental help which he stated he would."

37. Accordingly, by June 2017, Defendant Jeffrey Reinking was actually aware that Travis Reinking was continuing to experience mental health problems and that he had threatened one of Defendant Jeffrey Reinking's own employees with a rifle.

38. In or about July 2017, Travis Reinking crossed into a restricted area near the White House and demanded to meet with President Trump.

39. After approaching the White House, Travis Reinking stated that he wanted to speak to the President, proclaimed that he was a sovereign citizen, and insisted that he had "a right to inspect the grounds."

40. Thereafter, Travis Reinking removed his tie, balled it into his fist, and walked past the White House's security barriers, proclaiming: "Do what you need to do. Arrest me if you have to."

41. As a result of the incident, Travis Reinking was arrested by the United States Secret Service at the White House in Washington, D.C.

42. Following Travis Reinking's arrest at the White House, the FBI contacted the Tazewell County Sheriff's Office regarding the incident.

43. After being contacted by the FBI regarding the incident at the White House, on or about August 16, 2017, the Sheriff's Office in Tazewell County, Illinois issued a revocation letter revoking Travis Reinking's Firearm Owner's Identification (FOID) card.

44. On August 24, 2017, the Tazewell County Sheriff's Office served Travis Reinking with the Illinois FOID revocation letter at Defendant Jeffrey Reinking's shop at J&J Cranes.

45. The purpose of the revocation letter was to dispossess Travis Reinking of both his firearms and his right to possess firearms.

46. The FOID revocation letter indicated that Travis Reinking was obligated to

surrender his firearms and that failure to comply with the Illinois FOID Act "constitutes a Class A misdemeanor."

47. On August 24, 2017, Defendant Travis Reinking executed a Firearm Disposition Record and provided it to Illinois State Police.

48. Travis Reinking's Firearm Disposition Record indicated that four firearms, including a Bushmaster XM-15 rifle, were transferred to Defendant Jeffrey Reinking because Defendant Travis Reinking was required to surrender all firearms in his possession or control.

49. Rather than allowing law enforcement to take possession of Defendant Travis Reinking's surrendered weapons, Defendant Jeffrey Reinking had Travis Reinking's firearms released and legally transferred to him.

50. Sergeant Ryan Tarby was the Tazewell County Sheriff's Officer who received Travis Reinking's Firearm Disposition Record on August 24, 2017.

51. On August 24, 2017, the same day that the Tazewell County Sheriff's Office served Travis Reinking with the Illinois FOID revocation letter at Defendant Jeffrey Reinking's shop at J&J Cranes, Sergeant Tarby filed a police report that stated, in full, as follows:

On 08/24/17, at approximately 1641 hours, Deputy Linton and I, Sergeant Tarby, made contact with Travis Reinking and his father, Jeffrey Reinking, at JJ Cranes, 13535 Baer Rd, Tremont.

I gave Travis a copy of the Illinois State Police FOID Revocation paper. Travis provided me with his Illinois State FOID card. Travis assisted us in retrieving all his weapons and ammunition.

The following weapons were logged:

One Kimber 9mm Handgun; One Bushmaster AR-15; One CZ-USA .22 cal rifle; One Remington 710, and misc ammo. The weapons and ammo were recorded on the ISP Disposition Record. All weapons and ammo were released to Jeffrey Reinking which holds a valid FOID card. Jeffrey was

advised that he needed to keep the weapons secure and away from Travis. Jeffrey stated he would comply.

The FOID card is being sent back to ISP. No further action is being taken.

End of Report.

52. On or about August 24, 2017, Defendant Jeffrey Reinking asked the Tazewell County Sheriff's Office for permission to take possession of the firearms that Defendant Travis Reinking had become legally obligated to surrender so that Travis Reinking would not have to surrender the firearms to law enforcement.

53. On or about August 24, 2017, Jeffrey Reinking did in fact take possession of the firearms that Travis Reinking had become legally obligated to surrender, and after doing so, Jeffrey Reinking locked them in a gun safe located on his property.

54. At the time that Jeffrey Reinking took possession of Travis Reinking's surrendered firearms, Jeffrey Reinking knew that Travis Reinking had been suicidal and was "having problems."

55. As a condition of taking possession of Travis Reinking's firearms, the Tazewell County Sheriff's Office asked Jeffrey Reinking to agree that he would not return the firearms to Travis Reinking.

56. Thereafter, Jeffrey Reinking did in fact agree that he would not return the firearms to Travis Reinking or allow him to access them.

57. As a result of this agreement, and only because of it, the Tazewell County Sheriff's Office permitted Jeffrey Reinking to take possession of four of Travis Reinking's firearms, including a Bushmaster XM-15 semi-automatic rifle.

58. Jeffrey Reinking understood from the Sheriff's Office that he could possess the weapons himself because he held a valid FOID card. However, Jeffrey Reinking was

advised that he needed to keep the weapons secure and away from Travis Reinking, and Jeffrey Reinking agreed that he would comply with this obligation.

59. By August 24, 2017, and at all times thereafter, Jeffrey Reinking had actual knowledge that Travis Reinking's FOID card had been revoked by law enforcement.

60. By August 24, 2017, and at all times thereafter, Jeffrey Reinking had actual knowledge that Travis Reinking son could no longer legally possess firearms in the State of Illinois.

61. After Travis Reinking's Illinois FOID card was revoked, and after Jeffrey Reinking took possession of Travis Reinking's firearms, Travis Reinking could not legally possess firearms anywhere in the State of Illinois, including inside Jeffrey Reinking's home.

62. After Travis Reinking's Illinois FOID card was revoked, and after Jeffrey Reinking took possession of Travis Reinking's firearms, Jeffrey Reinking knew that Travis Reinking could not legally possess firearms anywhere in the State of Illinois, including inside Jeffrey Reinking's home, and that it was illegal to facilitate Travis Reinking's possession of any firearm anywhere in the State of Illinois.

63. After taking possession of the four firearms that Travis Reinking had been legally obligated to surrender in August 2017, Jeffrey Reinking stored them in a locked gun safe on his property to which only he had the combination.

64. After Jeffrey Reinking took possession of the four firearms that Travis Reinking had been legally obligated to surrender in August 2017, Travis Reinking moved to Tennessee:

65. After Travis Reinking moved to Tennessee, Jeffrey Reinking knew that Travis Reinking had moved out of Illinois, and he reasonably believed that Travis

Reinking had moved to Tennessee.

66. After Travis Reinking moved to Tennessee, Jeffrey Reinking had actual or constructive knowledge that Travis Reinking had moved to Tennessee.

67. On September 2, 2017, the week after Jeffrey Reinking took possession of the four firearms that Travis Reinking had been legally obligated to surrender in August 2017, Travis Reinking called Jeffrey Reinking repeatedly from Nashville, Tennessee.

68. Jeffrey Reinking's phone records specifically indicated that Travis Reinking had called Jeffrey Reinking from Nashville, Tennessee.

69. After Travis Reinking moved to Tennessee, Defendant Jeffrey Reinking received calls from prospective employers of Travis Reinking who were located in Tennessee.

70. On November 12, 2017, Travis Reinking sent a text message to Defendant Jeffrey Reinking that stated: "Dad, I got a place out of town now, so I'm going to need to get my firearms back from you somehow."

71. Less than two hours later, Defendant Jeffrey Reinking responded: "Ok."

72. After agreeing to return Travis Reinking's firearms, Defendant Jeffrey Reinking contacted the FBI seeking advice regarding the firearm transfer.

73. FBI Special Agent Matthew Hoffman advised Defendant Jeffrey Reinking to sell the firearms at issue rather than return them to Defendant Travis Reinking.

74. Defendant Jeffrey Reinking disregarded FBI Special Agent Matthew Hoffman's advice and declined to follow it.

75. Defendant Jeffrey Reinking disregarded FBI Special Agent Matthew Hoffman's advice and declined to follow it because Defendant Jeffrey Reinking reached his own independent conclusions as to the legality of transferring or selling the firearms

at issue.

76. Unhappy with the advice that he received from FBI Special Agent Matthew Hoffman, Jeffrey Reinking contacted the Tazewell County Sheriff's Office seeking alternative advice.

77. Jeffrey Reinking spoke with Tazewell County Sheriff's Sergeant Ryan Tarby regarding the firearm transfer and sought advice from him.

78. Jeffrey Reinking asserts that testifying as to the specific advice that he received from Sergeant Ryan Tarby would incriminate Jeffrey Reinking. Accordingly, while testifying under oath on December 4, 2018, Defendant Jeffrey Reinking invoked his Fifth Amendment right against self-incrimination and declined to disclose the specific advice that he received.

79. After Defendant Jeffrey Reinking spoke with FBI Special Agent Matthew Hoffman and Sergeant Ryan Tarby, in November 2017, Defendant Jeffrey Reinking and Defendant Travis Reinking made arrangements to enable Travis Reinking to take possession of the four firearms that Jeffrey Reinking had stored in his locked gun safe after Travis Reinking's FOID card was revoked in August 2017.

80. Disregarding the FBI's specific advice to sell the firearms at issue rather than return them to Travis Reinking, and notwithstanding the fact that Travis Reinking's FOID card had been revoked, Defendant Jeffrey Reinking unlocked his gun safe and removed the firearms that law enforcement had revoked from Travis Reinking in August 2017, which included a Bushmaster XM-15 rifle, for the specific purpose of returning them to Travis Reinking.

81. In August 2017, the rifle that was later used to kill Akilah DaSilva in Tennessee was one of four firearms that was locked in Defendant Jeffrey Reinking's gun

safe in a shop on his property in Illinois.

82. In November 2017, Defendant Jeffrey Reinking and Defendant Travis Reinking agreed that Travis Reinking would drive to Defendant Jeffrey Reinking's home in Tazewell County, Illinois, where Jeffrey Reinking would give the firearms back to him.

83. Before Travis Reinking arrived at Defendant Jeffrey Reinking's property to receive the four firearms, Defendant Jeffrey Reinking went to his locked gun safe, entered the combination, and pulled the guns out of his safe.

84. Jeffrey Reinking was the only person with the code to unlock his gun safe, and Travis Reinking was not able to open Jeffrey Reinking's gun safe without the Jeffrey Reinking's assistance.

85. Defendant Travis Reinking could never have gotten the Bushmaster XM-15 rifle that he used to kill Akilah DaSilva but for Defendant Jeffrey Reinking unlocking his gun safe.

86. Defendant Jeffrey Reinking went and unlocked his gun safe and pulled the rifle out at Travis Reinking's request.

87. When Travis Reinking text messaged Jeffrey Reinking and told him that he had secured an out-of-state apartment—which Jeffrey Reinking later confirmed was in Tennessee—that was when Jeffrey Reinking opened his gun safe and gave Travis Reinking access to the Bushmaster XM-15 rifle that he used to kill Akilah DaSilva.

88. After Travis Reinking arrived at Defendant Jeffrey Reinking's home, Defendant Jeffrey Reinking handed him the Bushmaster XM-15 rifle or else placed the rifle on his table for Travis Reinking to take.

89. The above-described firearm transfer took place within the State of Illinois and after Travis Reinking's FOID card had been revoked in August 2017.

90. At the time that Defendant Jeffrey Reinking handed the Bushmaster XM-15 rifle to Travis Reinking or placed it on a table for Travis Reinking to take, Defendant Jeffrey Reinking both knew and had reasonable cause to believe that Travis Reinking was a non-resident of the State of Illinois.

91. At the time that Defendant Jeffrey Reinking handed the Bushmaster XM-15 rifle to Travis Reinking or placed it on a table for Travis Reinking to take, Jeffrey Reinking was not a licensed importer, licensed manufacturer, licensed dealer, or licensed collector of firearms.

92. At the time that Defendant Jeffrey Reinking handed the Bushmaster XM-15 rifle to Travis Reinking or placed it on a table for Travis Reinking to take, no law enforcement official had ever advised Jeffrey Reinking, a resident of Illinois, that he could transfer firearms to Travis Reinking, a non-resident of Illinois, without violating 18 U.S.C. § 922(a)(5).

93. When Jeffrey Reinking pulled the firearms out of his locked gun safe to give to Travis Reinking in November of 2017, it was not the first time that Defendant Jeffrey Reinking had taken possession of his son's firearms, only to return them despite his actual knowledge that Travis Reinking was a dangerous and mentally unstable threat to himself and others. Because Travis Reinking used the Bushmaster XM-15 rifle that his father returned to him to commit a deadly mass shooting on April 22, 2018 at the Antioch Waffle House located at 3571 Murfreesboro Pike in Nashville, Tennessee, that killed four innocent people and maimed several others, however, it would ultimately be the last.

94. Akilah DaSilva was one of the four innocent people that Travis Reinking murdered at the Antioch Waffle House on April 22, 2018.

95. Mr. DaSilva, through no fault or provocation of his own, was shot and killed

by Travis Reinking on April 22, 2018 using the Bushmaster XM-15 rifle that Defendant Jeffrey Reinking returned to him.

96. Travis Reinking murdered Mr. DaSilva using the Bushmaster XM-15 rifle that Defendant Jeffrey Reinking personally returned to Travis Reinking in November 2017 after Travis Reinking's right to possess firearms had been formally revoked.

97. The Bushmaster XM-15 rifle that Travis Reinking used to murder Akilah DaSilva is a military-style weapon designed to inflict devastating and fatal damage. It fires ammunition at approximately 3,260 feet per second and can discharge up to 45 rounds per minute.

98. One of the rounds that Travis Reinking fired at Akilah DaSilva with the Bushmaster XM-15 rifle hit Akilah DaSilva in the right shoulder.

99. Travis Reinking intended for the bullet to strike Akilah DaSilva.

100. The force of the round inflicted a massive, fatal wound that ultimately resulted in Akilah DaSilva's death at Vanderbilt Hospital, a Level 1 Trauma Center.

101. At the time that Defendant Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking, Defendant Jeffrey Reinking knew or should have known that the Bushmaster XM-15 rifle was a deadly weapon that was designed to kill multiple people swiftly and with maximum efficiency and lethality.

102. At the time that Defendant Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking, Defendant Jeffrey Reinking knew or should have known that AR-15 style rifles had been used to inflict massive fatal casualties during multiple recent mass shootings, including those that took place at Sandy Hook Elementary School in Newtown, Connecticut; the Pulse nightclub in Orlando, Florida; Stoneman Douglas High School in Parkland, Florida; and dozens of other locations.

103. Defendant Jeffrey Reinking returned the Bushmaster XM-15 rifle to Defendant Travis Reinking in November 2017 despite his actual knowledge that Travis Reinking was mentally unstable, had a history of delusions and mental instability, and was a danger to himself and others.

104. At the time that Defendant Jeffrey Reinking returned the Bushmaster XM-15 rifle to Defendant Travis Reinking in November 2017, Jeffrey Reinking knew that Travis Reinking did not reside in Illinois; Jeffrey Reinking reasonably believed that Travis Reinking resided in Tennessee; Jeffrey Reinking reasonably believed and expected that Travis Reinking would take and possess the rifle in the State of Tennessee; and Jeffrey Reinking was aware that Travis Reinking posed a real and severe danger to all individuals in Tennessee with whom Travis Reinking came into contact.

105. At the time that Defendant Jeffrey Reinking returned the Bushmaster XM-15 rifle to Defendant Travis Reinking in November 2017, Defendant Jeffrey Reinking transferred the rifle into Travis Reinking's possession within the State of Illinois with the knowledge, expectation, and intent that the rifle be introduced into and possessed within a state other than Illinois by an individual whom he knew was dangerous and mentally unstable and resided out of state.

106. At the time that Defendant Jeffrey Reinking returned the Bushmaster XM-15 rifle to Defendant Travis Reinking in November 2017, Jeffrey Reinking transferred the rifle into Travis Reinking's possession with the reasonable belief, knowledge, and expectation that Travis Reinking resided in Tennessee and that the rifle would be introduced into Tennessee.

107. At the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking in November 2017, Jeffrey Reinking was aware that Illinois State Police

had revoked Travis Reinking's FOID card in August 2017.

108. Nonetheless, and despite his actual knowledge that Travis Reinking Illinois FOID card had been revoked, Jeffrey Reinking returned the firearms to Travis Reinking and facilitated Travis Reinking's possession of the firearms within the State of Illinois.

109. At the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking in November 2017, Jeffrey Reinking was aware that on or about May 27, 2016, Travis Reinking had been suicidal and had suffered from delusions since 2014.

110. On or about May 27, 2016, Defendant Jeffrey Reinking personally advised police that Travis Reinking had made comments about killing himself earlier in the day.

111. On or about May 27, 2016, Defendant Jeffrey Reinking personally communicated to police that Travis Reinking was armed, unstable, and a danger to himself.

112. On or about May 27, 2016, Jeffrey Reinking knew that police wanted Travis Reinking to go to a hospital for a mental health evaluation; that Travis Reinking became hostile afterward; and that Travis Reinking was involuntarily hospitalized as a result of his mental health problems.

113. At the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking in November 2017, Jeffrey Reinking was aware that in June 2017, Travis Reinking had jumped into a Tremont Park District Pool wearing a pink woman's house coat; had begun swimming in his underwear; had tried to get the lifeguards to fight him; and had exposed his genitals.

114. As a result of the June 2017 incident, and after being specifically informed of it, Jeffrey Reinking was actually aware that Travis needed mental help and that it was dangerous for him to have access to firearms.

115. At the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking in November 2017, Jeffrey Reinking was aware that Defendant Travis Reinking had been suicidal; suffered from delusions; had baselessly believed that others—including Taylor Swift—had stalked, chased, and harassed him; and had been involuntarily hospitalized for his mental health issues against his will.

116. At the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking in November 2017, Jeffrey Reinking had similarly been made aware of several additional incidents that did not involve police but also indicated that Travis Reinking was mentally unstable.

117. For instance, at the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking in November 2017, Jeffrey Reinking had been advised by his son's former employer that the employer was concerned about Travis Reinking's mental health.

118. At the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking in November 2017, Jeffrey Reinking had been made aware that in or about June 2017, Travis Reinking had threatened one of Jeffrey Reinking's employees and screamed profanity at him while wielding a rifle.

119. Defendant Jeffrey Reinking transferred the Bushmaster XM-15 rifle to Travis Reinking in November 2017 despite his actual knowledge that Travis Reinking resided outside of the State of Illinois—the jurisdiction where Defendant Jeffrey Reinking resided—at the time the transfer took place.

120. Defendant Jeffrey Reinking transferred the Bushmaster XM-15 rifle to Travis Reinking in November 2017 despite having reasonable cause to believe that Travis Reinking did not reside in the State of Illinois—the jurisdiction where Defendant Jeffrey

Reinking resided—at the time the transfer took place.

121. On April 23, 2018, following an extended manhunt, Travis Reinking was arrested for murdering Akilah DaSilva and three other innocent victims at the Waffle House in Antioch with the Bushmaster XM-15 rifle that Defendant Jeffrey Reinking returned to Travis Reinking in November 2017.

122. While shooting multiple innocent victims on April 22, 2018, Travis Reinking committed multiple torts, including, but not limited to, a fatal battery against Akilah DaSilva; assaults against Akilah DaSilva and his brother, Abede DaSilva; intentional and negligent infliction of emotional distress against Akilah DaSilva and Abede DaSilva; and dozens of additional intentional torts against other patrons of the Antioch Waffle House.

123. These torts could not and would not have occurred but for Defendant Jeffrey Reinking's overt acts to enable Travis Reinking to take possession of a Bushmaster XM-15 rifle in November 2017, and all of them resulted directly from Jeffrey Reinking's and Travis Reinking's conspiracy to unlawfully transfer and facilitate Travis Reinking's unlawful possession of firearms.

124. Defendant Jeffrey Reinking intended to, overtly acted to, planned to, and knowing Travis Reinking's intent to take possession of firearms that he could not lawfully receive, successfully acted in concert with Travis Reinking to unlawfully transfer firearms, including the Bushmaster XM-15 rifle, to Travis Reinking in violation of both Illinois and federal criminal law—all of which resulted in catastrophic injury to Akilah DaSilva and others.

125. In November 2017, it was not only foreseeable that Travis Reinking would use the firearms returned to him by Jeffrey Reinking to commit an act of violence against

others, but that very likelihood had been communicated to Jeffrey Reinking, who both understood and acknowledged it.

126. In November 2017, Jeffrey Reinking nevertheless took express and deliberate actions to frustrate and undo the efforts of law enforcement to disarm his mentally deranged and dangerous son.

127. At all times relevant to this Amended Complaint, Jeffrey Reinking had a legal duty not to entrust Travis Reinking with firearms. He also gratuitously accepted and acknowledged that duty by expressly agreeing to the same as a condition of receiving Travis Reinking's firearms from law enforcement.

128. At the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking, Jeffrey Reinking knew or should have known that entrusting Travis Reinking with a Bushmaster XM-15 rifle created a severe and unreasonable risk of harm to others.

129. Given Travis Reinking's long history of mental illness, his erratic behavior, his mental instability, and law enforcement's concern that Travis Reinking was a threat to himself and others, the harm that Travis Reinking caused would have been foreseeable to any reasonable person.

130. Travis Reinking could not have opened Jeffrey Reinking's locked gun safe, where the Bushmaster XM-15 rifle was secured, on his own.

131. In November 2017, Travis Reinking could not lawfully purchase firearms.

132. In November 2017, Travis Reinking could not lawfully receive firearms from any person domiciled outside of Tennessee.

133. In November 2017, Travis Reinking could not lawfully possess or take possession of any firearms within the State of Illinois.

134. Jeffrey Reinking's overt acts to open his locked gun safe, remove the Bushmaster XM-15 rifle from the safe, and hand Travis Reinking the rifle or else place the rifle on his table for Travis Reinking to take possession of resulted in, and proximately caused, the fatal battery of Akilah DaSilva.

135. But for Jeffrey Reinking's breach of his duties of care, Akilah DaSilva would be alive today.

136. But for Jeffrey Reinking's breach of his duties of care, Travis Reinking would not have caused Akilah DaSilva's brother, Abede DaSilva, to have to witness his brother die in front of him, to be assaulted himself, and to experience imminent and traumatic fear that he himself was going to die.

137. Defendant Jeffrey Reinking has had extensive contacts with Tennessee that are wholly unrelated to his son and span several years, including receiving his occupational training in Tennessee, coming to Tennessee and visiting multiple localities within it to "explore business opportunities" on multiple occasions, maintaining contacts with Tennessee-based business associates whom Jeffrey Reinking met at crane school who told him about work opportunities and sent him developer contacts, bringing his family to Tennessee for pleasure during one of his business trips, and making "numerous" purchases in the State of Tennessee whenever he visited.

138. Defendant Jeffrey Reinking has admitted under oath that he has had significant contacts with the State of Tennessee since at least April of 2017, when he began visiting the state to explore business opportunities. See **Exhibit B**, p. 105, lines 10-16.

139. Defendant Jeffrey Reinking in fact has significant contacts with Tennessee, as he described in a December 4, 2018 deposition. Defendant Jeffrey Reinking's sworn testimony regarding his significant and extensive contacts with the State of Tennessee,

see **Exhibit B**, as well as all of Defendant Jeffrey Reinking's additional jurisdictional discovery responses evidencing his extensive contacts with Tennessee, are all expressly incorporated into this Amended Complaint by reference.

140. Defendant Jeffrey Reinking visits Nashville, Tennessee of his own volition and accord approximately every "two to three weeks." See **Exhibit B**, p. 10, lines 9-13.

IV. CAUSES OF ACTION

1. Battery

141. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

142. On April 22, 2018, Defendant Travis Reinking shot and killed Akilah DaSilva with a Bushmaster XM-15 semi-automatic rifle.

143. Travis Reinking intentionally set the fatal shot that killed Akilah DaSilva in motion.

144. Akilah DaSilva did not consent to being shot.

145. Defendant Travis Reinking intentionally set a fatal shot in motion that made contact with Mr. DaSilva's body and caused his death.

146. Defendant Travis Reinking intentionally, unlawfully, and harmfully made contact with the body of Akilah DaSilva by fatally shooting him with a round fired by the Bushmaster XM-15 rifle that Jeffrey Reinking returned to him.

2. Negligence (Count I)

147. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

148. No reasonable person would have given Travis Reinking access to firearms

in November 2017.

149. At the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking in November 2017, Jeffrey Reinking consciously disregarded a known risk to others by enabling Travis Reinking to take possession of firearms, including a Bushmaster XM-15 rifle.

150. By returning the Bushmaster XM-15 rifle to Travis Reinking and facilitating his possession of it in November 2017 despite actual his knowledge that Travis Reinking was mentally unstable, Defendant Jeffrey Reinking acted unreasonably and failed to use ordinary or reasonable care under the circumstances.

3. Negligence (Count II)

151. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

152. By returning the Bushmaster XM-15 rifle to Travis Reinking and facilitating his possession of it in November 2017 despite his actual knowledge that Travis Reinking had been suicidal and experienced delusions that prompted Travis Reinking's involuntary hospitalization, Defendant Jeffrey Reinking acted unreasonably and failed to use ordinary or reasonable care under the circumstances.

4. Negligence (Count III)

153. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

154. By returning the Bushmaster XM-15 rifle to Travis Reinking and facilitating his possession of it in November 2017 despite having been made aware that Travis Reinking had previously threatened one of his employees with the same rifle that Travis

Reinking ultimately used to commit mass murder, Defendant Jeffrey Reinking acted unreasonably and failed to use ordinary or reasonable care under the circumstances.

5. Negligence (Count IV)

155. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

156. By returning the Bushmaster XM-15 rifle to Travis Reinking despite his actual knowledge that that Travis Reinking posed a threat of physical harm to himself and others, Defendant Jeffrey Reinking acted unreasonably and failed to use ordinary or reasonable care under the circumstances.

6. Negligence (Count V)

157. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

158. Jeffrey Reinking entered into a special relationship with Travis Reinking by taking possession of Travis Reinking's surrendered firearms, and pursuant to that special relationship, Jeffrey Reinking undertook a legal duty not to return Travis Reinking's surrendered firearms to him.

159. Notwithstanding Jeffrey Reinking's special relationship with Travis Reinking and his legal duty not to return Travis Reinking's surrendered firearms to him, Jeffrey Reinking breached his duty not to return Travis Reinking's surrendered firearms to him by giving Travis Reinking the Bushmaster XM-15 rifle that Travis Reinking used to murder Akilah DaSilva.

7. Negligence (Count VI)

160. The Plaintiff incorporates and realleges the foregoing allegations as if fully

set forth herein.

161. Jeffrey Reinking gratuitously undertook a duty to keep firearms, including the Bushmaster XM-15 rifle, away from Travis Reinking.

162. By assuming to act, even though gratuitously, Jeffrey Reinking thereby became subject to the duty of acting carefully.

163. Notwithstanding his legal duty not to return Travis Reinking's firearms to him, Jeffrey Reinking breached his duty not to return Travis Reinking's surrendered firearms to him by giving Travis Reinking the Bushmaster XM-15 rifle that Travis Reinking used to murder Akilah DaSilva.

8. Negligent Entrustment

164. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

165. At all times relevant to this Complaint, Jeffrey Reinking had a legal duty not to entrust Travis Reinking with firearms. He also accepted and acknowledged that duty by expressly agreeing to the same in exchange for receiving Travis Reinking's firearms from law enforcement.

166. At the time that Jeffrey Reinking returned the Bushmaster XM-15 rifle to Travis Reinking in November 2017, Jeffrey Reinking knew or should have known that entrusting Travis Reinking with a Bushmaster XM-15 rifle created a severe and unreasonable risk of harm to others.

167. Given Travis Reinking's long history of mental illness and recent arrests arising out of his erratic behavior, mental instability, and law enforcement's concern that he was a threat to himself and others, the harm that Travis Reinking caused would have

been foreseeable to any reasonable person.

168. The entrustment of firearms to Travis Reinking by Jeffrey Reinking directly resulted in, and was the cause of, the Plaintiff's injuries.

9. Negligence Per Se (Count I)

169. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

170. In November 2017, Defendant Jeffrey Reinking was not a licensed importer, licensed manufacturer, licensed dealer, or licensed collector of firearms.

171. In November 2017, Defendant Jeffrey Reinking had both actual knowledge and reasonable cause to believe that Travis Reinking did not reside in the State of Illinois.

172. 18 U.S.C. § 922(a)(5) provides that:

(a) It shall be unlawful

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes[.]

173. 18 U.S.C. § 922(a)(5) is a penal statute that is designed to protect the public.

174. 18 U.S.C. § 922(a)(5) clearly defines the conduct that it prohibits.

175. By returning the Bushmaster XM-15 rifle to Travis Reinking in November 2017 despite his actual knowledge that Jeffrey Reinking was not a resident of Illinois,

Jeffrey Reinking violated 18 U.S.C. § 922(a)(5).

176. Akilah DaSilva belonged to the class of persons the statute was designed to protect.

177. Akilah DaSilva's injury was of the type that the statute was designed to prevent.

10. Negligence Per Se (Count II)

178. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

179. 430 Ill. Comp. Stat. Ann. 65/0.01, *et seq.* generally prohibits anyone from acquiring or possessing any firearm within the State of Illinois without a valid FOID card. See 430 Ill. Comp. Stat. Ann. 65/2(a).

180. 430 Ill. Comp. Stat. Ann. 65/3(a) further provides that:

[N]o person may knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun gun, or taser to any person within [the State of Illinois] unless the transferee with whom he deals displays either: (1) a currently valid Firearm Owner's Identification Card which has previously been issued in his or her name by the Department of State Police under the provisions of this Act; or (2) a currently valid license to carry a concealed firearm which has previously been issued in his or her name by the Department of State Police under the Firearm Concealed Carry Act.

181. In November 2017, Travis Reinking's Illinois FOID card had been revoked.

182. In November 2017, Travis Reinking could not lawfully possess firearms in the State of Illinois.

183. In November 2017, Jeffrey Reinking knew that Travis Reinking's Illinois FOID card had been revoked.

184. In November 2017, Jeffrey Reinking knew that Travis Reinking could not lawfully possess firearms in the State of Illinois.

185. In November 2017, Jeffrey Reinking nonetheless opened a gun safe to which only he had the combination, removed four firearms from it, including the Bushmaster XM-15 rifle that Travis Reinking used to murder Akilah DaSilva, and either handed the firearms to Travis Reinking or left them on a table for Travis Reinking to take—all within the State of Illinois—even though Travis Reinking neither had nor displayed a valid FOID card or a valid license to carry a concealed firearm.

186. 430 Ill. Comp. Stat. Ann. 65/3(a) and 65/2(a) are penal statutes that are designed to protect the public. *See* 430 Ill. Comp. Stat. Ann. 65/14.

187. 430 Ill. Comp. Stat. Ann. 65/3(a) and 65/2(a) clearly define the conduct that they prohibit.

188. Akilah DaSilva belonged to the class of persons that 430 Ill. Comp. Stat. Ann. 65/3(a) and 65/2(a) were designed to protect.

189. Akilah DaSilva's injury was of the type that 430 Ill. Comp. Stat. Ann. 65/3(a) and 65/2(a) were designed to prevent.

11. Civil Conspiracy

190. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

191. By returning Travis Reinking the Bushmaster XM-15 rifle despite actual knowledge that Travis Reinking resided out of state and also could not possess firearms anywhere in the State of Illinois as a result of his FOID card having been revoked in August 2017, Jeffrey Reinking conspired with Travis Reinking to violate 18 U.S.C. § 922(a)(5) and 430 Ill. Comp. Stat. Ann. 65/0.01, *et seq.*

192. In November 2017, Jeffrey Reinking knew that Travis Reinking unlawfully

intended to take possession of firearms within the State of Illinois.

193. In November 2017, Jeffrey Reinking unlawfully intended to facilitate, and did in fact unlawfully facilitate, Travis Reinking's possession of firearms that he could not legally possess within the State of Illinois.

194. In November 2017, Jeffrey Reinking knew that Travis Reinking unlawfully intended to take possession of firearms within the State of Illinois and transport them outside of the State of Illinois because Travis Reinking resided out of state.

195. In November 2017, Jeffrey Reinking did in fact unlawfully facilitate the unlawful transfer of firearms to Travis Reinking despite knowing and having reasonable cause to believe that Travis Reinking resided out of state.

196. At the time that Jeffrey Reinking conspired with Travis Reinking to unlawfully transfer him firearms in violation of 18 U.S.C. § 922(a)(5) and 430 Ill. Comp. Stat. Ann. 65/0.01, *et seq.*, both Jeffrey Reinking and Travis Reinking had the intent and knowledge of the other's intent to accomplish by concert an unlawful purpose, or to accomplish by concert a lawful purpose by unlawful means.

197. Akilah DaSilva's fatal battery resulted from Jeffrey Reinking's and Travis Reinking's conspiracy to violate to violate 18 U.S.C. § 922(a)(5) and 430 Ill. Comp. Stat. Ann. 65/0.01, *et seq.*

198. Travis Reinking's fatal battery of Akilah DaSilva was committed pursuant to the Defendants' unlawful conspiracy.

199. Travis Reinking's fatal battery of Akilah DaSilva was a natural and probable consequence of the Defendants' unlawful conspiracy.

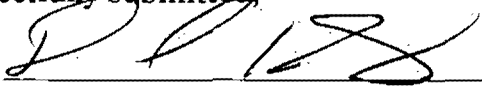
200. As such, Jeffrey Reinking is jointly and severally liable for the tortious and unlawful acts of Travis Reinking pursuant to Tenn. Code Ann. § 29-11-107(b)(1).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

1. That Defendants be required to appear and answer this Amended Complaint within the time required by law;
2. All compensatory, consequential and incidental damages to which the Plaintiff is entitled in an amount not less than \$25,000,000.00;
3. Punitive damages in an amount not less than \$75,000,000.00;
4. That the Plaintiff be awarded the discretionary costs of trying this action;
5. That pre-judgment and post-judgment interest be awarded to the Plaintiff;
6. That all costs be taxed against the Defendants;
7. That a jury of 12 be empaneled to try this cause; and
8. All such further relief as this Court deems just and proper.

Respectfully submitted,

By: 

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2019, a copy of the foregoing was mailed, postage prepaid, and/or transmitted via email to the following parties:

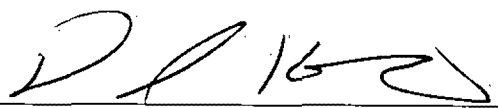
Travis Reinking
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