

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Case Type: Wrongful Death

Case No.:
Judge Assigned:

Tabatha Lewis as trustee for the next
of kin of Arnell Jermel Stewart,

Plaintiff,

Summons

vs.

Brian Harry Kjellberg,

Defendant.

To: Brian Harry Kjellberg, Ramsey County Correctional Facility, 297 South Century Ave., Saint Paul, MN 55119.

1. YOU ARE BEING SUED. The Plaintiffs have started a lawsuit against you. The Plaintiffs' Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this Summons a **written response** called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at: **Newmark Storms Dworak LLC, 222 South 9th Street, Suite 470, Minneapolis, MN 55402.**

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiffs' Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiffs should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the

Plaintiffs everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

NEWMARK STORMS DWORAK LLC

Dated: January 6, 2024

/s/ Jeffrey S. Storms

Jeffrey S. Storms, #0387240

222 South 9th Street, Suite 470

Minneapolis, MN 55402

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STATE OF MINNESOTA
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Case Type: Wrongful Death

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Complaint

Jury Trial Demanded

For her Complaint, Plaintiff Tabatha Lewis (“Plaintiff”) as trustee for the next of
kins of Arnell Jermel Stewart states and alleges as follows:

1. Arnell Jermel Stewart (“AJ”) was 27 years old when he was killed by
Defendant Brian Harry Kjellberg (“Kjellberg”) in St. Paul, Ramsey County, Minnesota.
2. Kjellberg resided in St. Paul, Ramsey County, Minnesota at all relevant
times.
3. Jurisdiction and venue are proper before this Court pursuant to Minnesota
Statute § 542.09.
4. Plaintiff is AJ’s mother and she was appointed as trustee for his next of kin
on December 1, 2023 by the Honorable Sara Grewing in Case No. 62-cv-23-5734
(Ramsey Cty. Dist. Ct.).

5. On the evening of December 2, 2021, at or near 1720 Seventh Street East, St. Paul, Minnesota, Kjellberg wrongfully caused AJ's death by stabbing him with a metal object.

6. Kjellberg wrongfully caused AJ's death by committing either the underlying torts of negligence and/or battery towards AJ.

7. AJ engaged in no wrongful conduct towards Kjellberg.

8. AJ endured conscious pain and suffering, loss of enjoyment of life, fear of imminent death, and Plaintiff can recover those damages on behalf of AJ's next of kin in addition to all other categories of compensatory and special damages available as a result of Kjellberg's wrongful conduct.

9. As a result of Kjellberg's wrongful conduct, AJ's next of kin have suffered pecuniary loss, including medical and funeral expenses, loss of aid, counsel, guidance, advice, assistance, protection and support.

WHEREAS, Plaintiff prays for judgment from Defendant as follows:

1. A money judgment in excess of \$50,000.00; and
2. For such other and further relief as this Court deems just and equitable.

NEWMARK STORMS DWORAK LLC

Dated: January 6, 2024

/s/ Jeffrey S. Storms
Jeffrey S. Storms, #0387240
222 South 9th Street, Suite 470
Minneapolis, MN 55402
Phone: 612.455.7055
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jeff@newmarkstorms.com

MINN. STAT. § 549.211 ACKNOWLEDGEMENT

I, on behalf of Plaintiff, hereby acknowledge that sanctions may be imposed pursuant to Minn. Statute § 549.211.

Dated: January 6, 2024

/s/ Jeffrey S. Storms

Jeffrey S. Storms, #0387240