

Discovery request in Central District shooting lawsuit sparks racism claim

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When a detective investigating the crime scene opened the door to this white car, shattered glass spilled to the ground. Four people, including a toddler, were shot when a person opened fire at the parking lot near Auto Zone at 23rd Avenue South and South Jackson Street Sunday April 11, 2021. (Bettina Hansen / The Seattle Times)

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Four Black men, who are suing a Central District strip mall over negligent security after a 2021 shooting in which four people including a two-year-old girl were injured, say they've received a racist discovery request from the defense attorneys.

Attorneys for Jackson Investors North LLC, a subsidiary of Paul Allen's Vulcan Real Estate that owns the strip mall and parking lot, filed a request in June for photos and descriptions of the men's tattoos, an ask the men say is intimidating, overreaching and invasive.

In a motion filed Aug. 15, the men seek a protective order to prevent "gross abuse of the discovery process by Defendants who seek to use harassing discovery tactics that are grounded in racism and meant to insult the dignity and violate the privacy of the adult plaintiffs to this action."

The allegations of racism within the discovery process come as the state Supreme Court has made [eradicating racial bias and systematic disparities](#) in civil actions among its chief priorities in recent years.

“Beneath Defendant’s request is an assumption grounded in stereotype and racism that the Court should not endorse,” the motion stated.

In an emailed statement, Mehreen Nadeem, one of the attorneys representing Jackson Investors North, said, “We will respond to the pending motion in accordance with court rules.”

“As our response will confirm, we strongly deny the characterization by plaintiffs’ counsel of defendants’ reasonable discovery requests,” Nadeem said. “We otherwise cannot comment further on this ongoing litigation.”

On April 11, 2021, [gunfire from two shooters](#) erupted at a strip mall at 23rd Avenue South and South Jackson Street. A number of [shootings](#) have occurred in recent years at or near the strip mall, including a [fatal shooting two months later](#) and a [drive-by shooting outside a day care](#) last year. The suspects in the April 2021 shooting were never caught.

At the time, Thomas Callandret II, his two children and his uncle Cornel Callandret were walking through the parking lot toward the AutoZone Auto Parts.

Thomas Callandret II was shot, as was his 2-year-old daughter. A bullet struck her in the eye, resulting in her [permanently losing vision](#) in one eye.

Miles Davis and Terrence Williams, two other men who were walking to get lunch after church service, were also hit in the shootout.

The victims collectively filed a lawsuit in October against Jackson Investors North, as well as a number of businesses that operate at the strip mall, for “gunshot injuries suffered by those plaintiffs struck during the shooting and emotional damages for the two victims who narrowly avoided the gunfire.”

They argued the businesses failed to provide adequate security despite knowing criminal activity frequently occurred in the parking lot and surrounding block. All of the plaintiffs were innocent victims who were uninvolved in the shooting, according to their lawsuit.

Lawyers for Jackson Investors North served a discovery request in June asking the adult plaintiffs to identify and describe “each tattoo you have on your body, where each tattoo is located on your body, the meaning of each tattoo, and whether the tattoo signifies your membership in any group or organization.”

In an email to the plaintiffs' lawyer filed in court, Jackson Investors North attorney Pedro Melesio said they asked about the tattoos because they have evidence the victims "have ties to a local street gang."

It's unclear what that evidence is. The men deny having any gang-related tattoos, according to their motion, and their attorney says they have not received information about the evidence.

"Plaintiffs each found these requests to be insensitive, racist and harassing," the motion stated, with the attorney noting they have tattoos that are only visible if they took their clothes off.

Law enforcement and prosecutors have used tattoos, [especially culturally specific tattoos](#) within Black and Latino communities, to erroneously identify people as gang members. [Legal scholars note](#) that Black and Latino people are disproportionately identified as gang members, with one 2007 [study estimating](#) Black and Latino people were 15 times more likely than non-Hispanic whites to be identified by the police as gang members.

In a declaration filed alongside the motion, the plaintiffs' attorney said his firm, which has litigated hundreds of similar negligent security cases, has never received a request for photos and explanations of gun violence victims' tattoos before.

"The bottomline is Plaintiffs are all innocent victims of gunfire that broke out in a poorly managed, unsecured and dangerous parking lot during daytime hours when all Plaintiffs were doing collectively was patronizing the stores within the subject stripmall," the motion stated.

The plaintiffs' attorney Jonathan Nolley in an email declined to comment beyond their motion. "That said, we appreciate any efforts to promote justice and equity within Washington courts," he said.

In recent years, the state Supreme Court has [issued a number of rulings](#) in hopes of creating a more just legal system. The court [explicitly called on](#) lawyers and judges across the state to do more to address institutional racism in 2020, and has since ruled that a new trial is the [only adequate remedy in civil cases](#) where racial bias was a factor in court.

A hearing on the motion is scheduled for Aug. 28.