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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

WAYNE MORSE, an individual; LAURA
TRUJILLO, an individual; and MIRIAM
TRUJILLO, an individual,

Plaintiffs,

v.

ESTATE OF RICHARD NICHOLSON,
Deceased; ESTATE OF KIM NICHOLSON,
Deceased; and DOES 1-100, inclusive,

Defendants.

CASE NO.

COMPLAINT FOR WRONGFUL DEATH

DEMAND FOR JURY TRIAL

Plaintiffs Wayne Morse, Laura Trujillo and Miriam Trujillo hereby allege as follows

NATURE OF CASE

1. This case involves the wrongful death of 62-year-old Maria Morse ("Maria") on February 12, 2019. Maria was a housekeeper for 12 years for Richard Nicholson and Kim Nicholson. Maria was found slain along with Richard Nicholson and Kim Nicholson at 36 Palazzo, Newport Beach, California ("Nicholson Residence"). All three were killed at the hands of Camden Nicholson, the Nicholson's 27 year old son.

2. As will be set forth herein, Richard Nicholson and Kim Nicholson were aware that Camden Nicholson was violent, aggressive and unstable. He had a long history of violent and troubling behavior, which included abusing marijuana, steroids, pornography and physically threatening his parents. Prior to the murders, he told his mother he wanted to kill his father, and he made repeated threats of physical violence to her.

3. It is indisputable that Richard and Kim Nicholson should have taken reasonable steps to protect Maria from the danger presented by Camden Nicholson at the Nicholson Residence, as they knew that their adult son Camden was a serious threat and danger to others. Maria Morse was especially vulnerable because she was a weekly visitor to the Nicholson Residence for over 12 years. The Nicholsons had a clear duty to take safety and security measures to protect Maria from Camden's increased aggressive and erratic behavior. The Nicholsons were negligent in repeatedly inviting Maria to come to their home and clean their house without taking security and safety measures, including police intervention. It was clearly foreseeable that Camden could harm Maria at any time. Ultimately, it was not a matter of if Camden was going to commit violence against Maria, it was a matter of when.

JURISDICTION & PARTIES

4. Plaintiff Wayne Morris is an adult individual residing in the City of Anaheim, County of Orange, State of California. He is the spouse of Maria Morse.

5. Plaintiff Laura Trujillo is an adult individual residing in the City of San Antonio, State of Texas. She is the adult daughter of Maria Morse.

6. Plaintiff Miriam Trujillo is an adult individual residing in the City of San Antonio, State of Texas. She is the adult daughter of Maria Morse.

7. Plaintiffs are informed and believe and based thereon allege that, at all times relevant herein and prior to his death, decedent Richard Nicholson was a resident of the City of Newport Beach, County of Orange, State of California. Defendant Estate of Richard Nicholson, deceased, is sued herein pursuant to Probate Code §§ 550-552. All references to Richard Nicholson hereinafter are attributable to and directing at and shall be considered the actions and

1 omissions of the Estate of Richard Nicholson, deceased, and/or the Personal Representative of the
2 Estate of Richard Nicholson.

3 8. Plaintiffs are informed and believes and based thereon alleges that, at all times
4 relevant herein and prior to her death, decedent Kim Nicholson was a resident of the County of
5 Orange, State of California. Defendant Estate of Kim Nicholson, deceased, is sued herein pursuant
6 to Probate Code §§ 550-552. All references to Kim Nicholson hereinafter are attributable to and
7 directing at and shall be considered the actions and omissions of the Estate of Kim Nicholson,
8 deceased, and/or the Personal Representative of the Estate of Kim Nicholson.

9 9. It is unknown to Plaintiffs at the time of filing of this Complaint whether or not an
10 estate for either Richard Nicholson and/or Kim Nicholson has been opened. However, applicable
11 law permits a direct action against a defendant who has died prior to service by serving the
12 deceased defendant's insurance company in its stead and to name an entity entitled "ESTATE OF
13 'DECEDENT', DECEASED", pursuant to Probate Code Sections 550 -552, et seq. However, at
14 this time the identity of the insurer(s) for Richard Nicholson and Kim Nicholson is unknown to
15 Plaintiff who will seek leave at a later time to amend this complaint to add decedents Richard
16 Nicholson's and Kim Richardson's insurer(s) as a named defendant(s) and Plaintiffs also reserve
17 the right to utilize the DOE procedure to do so at such time.

18 10. Defendant DOE 1 is yet-to-be named Personal Representative of The Estate of
19 Richard Nicholson. Plaintiffs are informed, believe, and based thereon allege that a petition to
20 appoint DOE 1 as executor has not yet occurred, but Plaintiffs have prepared a Creditor's Claim
21 pursuant to the Probate Code and will cause it to be duly served upon the legal representative of
22 the Estate of Richard Nicholson at the appropriate time, and will meet all other requirements under
23 the Probate Code that permit filing suit against the Richard Nicholson Estate. At that time,
24 Plaintiffs will amend this Complaint so as to properly substitute the Personal Representative of the
25 Estate of Richard Nicholson.

26 11. Defendant DOE 2 is yet-to-be named Personal Representative of The Estate of Kim
27 Nicholson. Plaintiffs are informed, believe, and based thereon allege that a petition to appoint
28 DOE 2 as executor has not yet occurred, but Plaintiff has prepared a Creditor's Claim pursuant to

1 the Probate Code and will cause it to be duly served upon the legal representative of the Estate of
2 Kim Nicholson at the appropriate time, and will meet all other requirements under the Probate
3 Code that permit filing suit against the Kim Nicholson Estate. At that time, Plaintiffs will amend
4 this Complaint so as to properly substitute the Personal Representative of the Estate of Kim
5 Nicholson.

6 12. Plaintiffs are ignorant of the true names and capacities of Defendants sued in this
7 Complaint as Does 3 through 100, inclusive, and therefore Plaintiffs sue these Defendants by these
8 fictitious names. Plaintiffs are informed and believe and thereon allege that each of the
9 Defendants designated herein as a DOE negligently, carelessly and tortuously is responsible in
10 some manner for the events and happenings herein referred to and proximately caused injury and
11 damages to Plaintiffs as herein alleged. Plaintiffs will amend this Complaint to allege their true
12 names and capacities when ascertained.

13 13. Plaintiffs are informed and believe and upon such information and belief allege that
14 at all times herein mentioned, that the Defendant, and DOES 1 through 100, inclusive, and each of
15 them, were the agents, servants, employees and assistants of each remaining Defendants, and in
16 doing the things alleged in this Complaint, were acting within the course, scope, purpose and
17 authority of said agency and employment.

18 14. The events which give rise to this action arose in the State of California, County of
19 Orange.

20 21 **GENERAL ALLEGATIONS**

22 15. On February 12, 2019, Camden Nicholson killed Maria Morse at the Nicholson
23 Residence, which was owned and controlled by Richard and Kim Nicholson. Maria Morse, who
24 was 62 years old at the time of her death, was a loving wife, mother and grandmother. She was a
25 housekeeper at the Nicholson Residence for approximately 12 years.

26 16. Richard and Kim Nicholson were aware that Camden Nicholson was violent,
27 aggressive and unstable. Camden Nicholson had a long history of violent and troubling behavior,
28 included abusing marijuana, steroids, pornography and physically threatening his parents.

1 17. Throughout 2018, Camden Nicholosn lived in the Nicholson Residence. Richard
2 and Kim Nicholson tolerated his constant physical threats of violence against them, allowed him
3 to grow marijuana and use needles to inject himself with steroids which were all over his room.

4 18. Plaintiffs are informed and believe that while Camden Nicholson was living in the
5 Nicholson home in 2018, he repeatedly told Kim Nicholson he wanted to kill his father and made
6 threats of physical violence to her. It is believed Camden Nicholson even told Kim Nicholson he
7 was so angry at his father he wanted to “gut” him and called him evil. The violent threats caused
8 Kim Nicholson to move out for a period of time because she thought Camden Nicholson was
9 going to physically harm her due to his uncontrollable “roid rage” and violent delusional behavior.

10 19. On December 14, 2018, Camden went on a binge filled with rage and sent Richard
11 Nicholson and Kim Nicholson numerous vulgar, hateful and disturbing texts. The themes of the
12 texts included Camden Nicholson’s obsession with pornography and getting money from his
13 parents, his family betraying him as well as sexual comments about his family.

14 20. In the days prior to the murders, Camden again sent Richard Nicholson and Kim
15 Nicholson texts and e-mails threatening to harm them. It is believed Camden was experiencing an
16 increased level of rage because his parents had just cut him off financially due to him frivolously
17 spending tens of thousands of dollars on his father’s credit card.

18 21. As a result of Camden Nicholson’s aggression, addictions and continued violent
19 threats, it was not a matter of if Camden was going to harm Maria (and others), it was a matter of
20 when. Any reasonable person with knowledge of the anger, aggression and violence Camden
21 Nicholson exhibited on a daily basis would have contacted authorities, among other things, about
22 Camden Nicholson and warned Maria and others that it was not safe to go to the Nicholson
23 Residence. Richard and Kim Nicholson should have specifically told Maria, who went to their
24 home weekly, to stay away because it was not safe.

25 22. Richard and Kim Nicholson did nothing to secure the safety of Maria from their
26 violent and dependent son. They continued to invite Maria come to their home weekly to clean,
27 placing her directly in harm’s way every time she was there.

28

23. Based on Camden Nicholson's escalating violent behavior and his parents recently cutting him off financially, it was reasonably foreseeable that he would come home and harm his family members and anyone else there, including Maria. Had Richard Nicholson and/or Kim Nicholson not continued to invite Maria to their residence to clean their house, Maria would be alive today.

FIRST CAUSE OF ACTION BY PLAINTIFFS AGAINST ALL DEFENDANTS

(Wrongful Death)

24. Plaintiffs allege and incorporate by reference all of the allegations contained in paragraphs 1-23 of the Complaint, as though set forth herein.

25. At all times mentioned herein, Defendants were aware of the increasingly violent behavior, aggression and threats of physical harm Camden Nicholson repeatedly made, as well as his abuse of marijuana and steroids. Any reasonable person in Defendants' position would have contacted authorities about the physical threats made by Camden Nicholson and informed people and/or not allowed anyone, including Maria, to go to their home because of the risk of danger.

26. Defendants, and each of them, were negligent, reckless, careless and wanton in inviting Maria to the Nicholson Residence to clean their house.

27. As a direct and proximate result of the negligence, recklessness, carelessness and wanton behavior of Defendants, and each of them, Maria Morse was killed at the Nicholson Residence.

28. At all times herein, Plaintiff Wayne Morse was the spouse of Maria Morse. Laura Trujillo and Miriam Trujillo were the adult daughters of Maria Morse.

29. Plaintiffs Wayne Morse, Laura Trujillo and Miriam Trujillo are the sole surviving heirs and this action is brought for the benefit of said heirs.

30. As a direct and proximate result of the negligence, recklessness, careless and wanton behavior of Defendants, Plaintiffs have sustained economic damages consisting of (1) the value of lost financial and other support from the decedent, (2) the value of gifts or benefits that the decedent would have provided, (3) the value of funeral and burial expenses, and (4) the reasonable

1 value of household services that the decedent would have provided.

2 31. As a direct and proximate result of the negligence, recklessness, carless and wonton
3 behavior of Defendants, Plaintiffs have sustained non-economic damages consisting of the loss of
4 decedent's love, companionship, comfort, care, assistance, protection, affection, society and moral
5 support.

6 **WHEREFORE**, Plaintiffs Wayne Morse, Laura Trujillo and Miriam Trujillo pray for
7 judgment as follows:

- 8 A. General damages in a sum according to proof;
9 B. Sums incurred for services to hospitals, physicians, surgeons, nurses and other
10 professional services, ambulance service, x-rays and other medical supplies and services;
11 C. Funeral and burial expenses;
12 D. Costs of household services incurred and to be incurred;
13 E. Loss of love, care, companionship, affection, society, sexual relations (as to Wayne
14 Morse) and solace;
15 F. Loss of income incurred and to be incurred according to proof;
16 G. For interest provided by law including, but not limited to, California *Civil Code*,
17 Section 3291; and
18 H. Costs of suit and, for such other and further relief as the court deems proper.

19
20 Dated: March 1, 2019

CALLAHAN & BLAINE, APLC

21
22 By: 

23 Edward Susolik, Esq.

24 Laura M. Morris, Esq.

25 Brett E. Bitzer, Esq.

26 Attorneys for Plaintiffs, Wayne Morse, Laura
27 Trujillo and Miriam Trujillo
28

DEMAND FOR JURY TRIAL

Plaintiffs Wayne Morse, Laura Trujillo and Miriam Trujillo demand a jury trial on each and all of the causes of action set forth in this Complaint.

Dated: March 1, 2019

CALLAHAN & BLAINE, APLC

By:  

Edward Susolik, Esq.

Laura M. Morris, Esq.

Brett E. Bitzer, Esq.

Attorneys for Plaintiffs Wayne Morse, Laura Trujillo and Miriam Trujillo