

Teague Westrope
Kasodie West
Andrew Van Arsdale
AVA LAW GROUP, PLLC
2718 Montana Ave., Suite 220
Billings, MT 59101
(406) 626-3976
teague.westrope@avalaw.com
kasodie.west@avalaw.com
andrew.vanarsdale@avalaw.com

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY**

<p>NEAL BEAUMONT, as the personal representative of the ESTATE OF BEAU HARLAN BEAUMONT,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>SBD ENTERPRISES INC. and AMERICA FOODS, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>CASE NO. DV-56-2023-0000203-PI</p> <p>JUDGE Mary Jane Knisely</p> <p>COMPLAINT AND DEMAND FOR JURY TRIAL</p>
--	--

COMES NOW Plaintiff Neal Beaumont, through counsel, and hereby alleges as follows:

1. Neal Beaumont is the surviving father of Beau Harlan Beaumont, who was tragically murdered by Xavier Buffalo on February 12, 2023, at America’s Wild West located at 4910 Southgate Drive, Billings, Yellowstone County, Montana.
2. At the time of his death, Beau resided in Yellowstone County, Montana.
3. Neal has been appointed the personal representative of Beau’s intestate estate.
4. America’s Wild West is an assumed business name of Defendant SBD Enterprises Inc., which is a domestic for-profit corporation with its principal address being 4910 Southgate

Drive, Billings, Yellowstone County, Montana. Barbara Hawkins is the registered agent of Defendant SBD Enterprises Inc.

5. Defendant America Foods Inc. is a domestic for-profit corporation with its principal address being 3307 Grand Avenue, Suite 103A, Billings, Yellowstone County, Montana. Barbara Hawkins is the registered agent of Defendant America Foods Inc.

6. The Court has subject matter and personal jurisdiction.

7. Venue is proper in Yellowstone County, Montana.

GENERAL ALLEGATIONS

8. America's Wild West is a bar and night club. It allows admission to adults under the age of 21.

9. Defendant America Foods owns the premises upon which America's Wild West is located.

10. Plaintiff believes Defendants act in concert to operate America's Wild West.

11. Before Beau's murder, Defendants knew that America's Wild West was a hotspot for violence.

12. According to reporting by local news media KTVQ on February 13, 2023, the Billings Police Department responded to 194 incidents at America's Wild West from January 1, 2022, to the date of Beau's murder. Among those incidents included two other shootings (including a murder on April 23, 2022), nine weapons complaints, 11 assaults, and 32 disturbances.

13. Defendants take some steps to provide a limited level of security inside America's Wild West, such as staffing America's Wild West with bouncers and supposedly requiring patrons to pass through a metal detector before entering; however, upon information and belief, Defendants do not staff the parking lot with security.

14. Upon information belief, on the night of February 3-4 or 4-5, bouncers at America's Wild West broke up a fight between Buffalo and Beau.

15. On the night of Beau's murder, February 11-12, Beau went to America's Wild West with several friends. Upon information and belief, they arrived at America's Wild West sometime between 10:00-10:30 PM.

16. Buffalo was also at America's Wild West.

17. Upon information and belief, Buffalo was only 18 years old at the time.

18. Upon information and belief, Buffalo consumed alcohol inside America's Wild West.

19. Upon information and belief, bouncers at America's Wild West removed Buffalo from the night club but did not escort him off the premises.

20. Shortly before America's Wild West closed, Beau and his friends exited and went to their vehicles, which were parked in the parking lot.

21. Buffalo jumped Beau in the parking lot. During the altercation, Buffalo retrieved a firearm and shot Beau. Buffalo then fled in a vehicle.

22. The Billings Police Department received notice of the shooting at approximately 1:40 AM.

23. Upon officers arriving at America's Wild West, they observed Beau rolling on the ground and mumbling.

24. American Medical Response transported Beau to St. Vincent Healthcare, where he later succumbed to his injuries and died.

25. Buffalo was subsequently arrested and charged with Beau's murder.

**COUNT 1: DRAM SHOP VIOLATION
(Against SBD Enterprises)**

26. Plaintiff incorporates the preceding paragraphs as if set forth fully herein.

27. Section 27-1-710, MCA, states that an entity who furnishes alcohol to a person under the legal drinking age may be liable for injury or damage wholly or partly arising from an event involving the person if the entity knew the person was underage or did not make a reasonable attempt to determine the person's age.

28. Upon information and belief, bouncers at America's Wild West loosely enforce a requirement that underage persons wear a specific bracelet indicating they are underage.

29. Upon information and belief, bartenders at America's Wild West do not always check a person's bracelet before serving alcohol to the person.

30. Upon information and belief, no one from America's Wild West monitors who consumes alcohol after the bartenders serve it. As such, underage persons can easily have persons who are of the legal drinking age purchase alcohol for them.

31. Upon belief, Buffalo's consumption of alcohol was a cause-in-fact of the aggression he acted upon toward Beau, including Buffalo's impulsive decision to shoot Beau and Beau's resulting death.

32. Beau's estate and his surviving heirs have suffered damages because of Defendant SBD Enterprises' dram shop violation.

**COUNT 2: NEGLIGENCE
(Against All Defendants)**

33. Plaintiff incorporates paragraphs 1-25 as if set forth fully herein.

34. Defendant America Foods, as the owner of the premises upon which America's Wild West is located, owed a duty to use reasonable care to maintain its premises, including the parking lot, in a reasonably safe condition for persons who lawfully enter thereon.

35. Defendant SBD Enterprises, as the proprietor of America's Wild West, owed Beau a duty to use reasonable care to: (1) provide adequate staff to safely police the premises, including the parking lot; (2) not tolerate "disorderly conditions"; (3) stop fights as soon as possible upon eruption; and (4) protect Beau from Buffalo, who had a "known propensity for fighting or who America's Wild West otherwise knew presented a particular danger or harm to Beau.

36. Both Defendants breached their duties by failing to provide adequate staff to safely police the parking lot of America's Wild West.

37. Defendant SBD Enterprises breached its duty by failing to implement measures before Beau's murder to reduce the propensity of violence and disorderly conduct in the parking lot of America's Wild West.

38. Defendant SBD Enterprises breached its duty by failing to ban Buffalo from the premises after his fight with Beau on the night of February 3-4 or 4-5.

39. Defendant SBD Enterprises breached its duty by failing to stop the fight between Buffalo and Beau before it escalated to the point of Buffalo shooting Beau.

40. It is more probable or likely than not that but for Defendants breaching their duties to Beau, Buffalo would have been deterred or otherwise prevented from shooting Beau in the parking lot of America's Wild West.

41. Defendants' negligent acts/omissions were therefore a cause-in-fact of Beau's murder.

42. Beau's estate and his surviving heirs have suffered damages because of Defendants' negligence.

**COUNT 3: PUNITIVE DAMAGES
(Against All Defendants)**

43. Plaintiff incorporates all preceding paragraphs as if set forth fully herein.

44. Defendants knew that violent acts occurred regularly on the premises of America's Wild West, including in the parking lot, especially on Friday and Saturday evenings.

45. Defendants knew that such violent acts included weapons complaints and shootings, and that one such shooting within the last year had resulted in a murder.

46. Yet Defendants deliberately proceeded to act with indifference to the high probability of injury to persons lawfully on the premises – that is to say, Defendants chose to put profits over providing adequate security in the parking lot of America's Wild West.

47. Defendants are therefore guilty of actual malice.

48. Beau's estate is entitled to recover punitive damages for Defendants' actual malice.

COUNT 4: SURVIVAL ACTION

49. Plaintiff incorporates all preceding paragraphs as if set forth fully herein.

50. Beau did not die immediately after Buffalo shot him. According to reporting by the Billings Gazette on February 14, 2023, Beau survived the shooting for at least 40 minutes after first responders arrived on scene. During this time, Beau suffered pain and suffering and emotional distress.

51. Beau's estate is entitled to recover damages for his pain and suffering and emotional distress, for his medical bills and funeral expenses, and for the present value of reasonable earnings during his remaining life expectancy.

COUNT 5: WRONGFUL DEATH

52. Plaintiff incorporates all preceding paragraphs as if set forth fully herein.

53. Beau’s surviving heirs are entitled to recover damages for the support, society, care, comfort, companionship, and/or protection that Beau would have provided to them had he survived.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests a judgment that Defendants acted in concert to operate America’s Wild West, such that they are jointly liable for each other’s wrongful acts/omission. Plaintiff further requests a judgment for all general, special, and punitive damages allowable under the law, in an amount to be determined by a jury at a trial; for costs and pre- and post-judgment interest allowable under the law, in an amount to be determined by the Court; and for all further legal or equitable relief as the Court deems just.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in this matter.

DATED February 27, 2023.

AVA LAW GROUP

/s/ Teague Westrope
Teague Westrope
Attorney for Plaintiff