

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

Chyna Whitaker, individually and as
Sole Legal Guardian of Daunte Lamir Wright,

Court File No. _____

Judge: _____

Plaintiff,

vs.

SUMMONS

Ben Crump, Ben Crump Law, PLLC,
Katie Bryant a/k/a Katie Wright,
Arbuey Wright and John Doe,

Defendants.

THIS SUMMONS IS DIRECTED TO DEFENDANTS ABOVE NAMED.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's 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:

The Hutton Firm, PLLC
333 South 7th Street, 2150 SPS Tower
Minneapolis, MN 55402

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff 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 Plaintiff 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 use alternative means of resolving this dispute.

Date: September 22, 2022

THE HUTTON FIRM, PLLC

By: 

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

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Chyna Whitaker, individually and as
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Plaintiff,

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COMPLAINT

Ben Crump, Ben Crump Law, PLLC,
Katie Bryant a/k/a Katie Wright,
Arbuey Wright and John Doe,

Defendants.

For her Complaint against Defendants, Plaintiff alleges as follows:

INTRODUCTION

1. On April 11, 2021, Daunte Demetrius Wright (“Daunte, Sr.”) was killed by Brooklyn Center police officer Kim Potter, who is now serving time in prison. Daunte, Sr. left behind a sole heir, his infant son Daunte Lamir Wright (“Daunte, Jr.”) whose undisputed sole legal guardian is his biological mother, Chyna Whitaker.

2. Chyna Whitaker is forced to bring this lawsuit after her initial lawyer, Ben Crump (“Crump”) promised and assured her up-front that any GoFundMe monies raised through The Daunte Wright Sr. Memorial Fund would be split 50/50 between Daunte, Jr. and the Wright Family. Daunte, Sr.’s Aunt, Kelly Bryant, who organized the GoFundMe also represented that Daunte, Jr. would receive a portion of these monies. However, this did not happen. **Of the approximate \$1,039,260 raised through GoFundMe and managed by Crump’s law firm, not one single penny has been turned over to Plaintiff for the benefit of Daunte, Jr.** Rather, the entirety of the GoFundMe campaign funds have been directly turned over to Daunte, Sr.’s parents, Katie Bryant

a/k/a Katie Wright and Arbuey Wright despite written demands to Defendants through their attorneys. The ability to donate to The Daunte Wright Sr. Memorial Fund on GoFundMe remains open. Donations continue to be received, and presumably retained by Katie and Arbuey Wright to date.

THE PARTIES AND VENUE

3. Plaintiff Chyna Whitaker, individually and as Legal Guardian of Daunte, Jr., during the relevant time period was a resident of Hennepin County, State of Minnesota.

4. Defendants Ben Crump (“Crump”) and his law firm, Ben Crump Law, PLLC (“Crump Law”) is upon information and belief an out of state lawyer and law firm admitted pro hac vice to practice law in this State through local counsel Nilan Johnson Lewis with offices in downtown Minneapolis, Minnesota, Hennepin County.

5. Defendants Katie Bryant a/k/a Katie Wright and Arbuey Wright represented in pleadings in their Petition in Court Case 27-CV-21-4767 that they are the surviving parents of Daunte, Sr. and consented to the jurisdiction of this Court while failing to provide their addresses, which upon information and belief are in this County.

6. Defendant John Doe is for potential additional Defendants that may be appropriate parties to this action after discovery is undertaken.

7. Venue is proper in this judicial district because Defendants at all times relevant either conducted businesses and/or resided in this County and State, and events giving rise to Plaintiff’s claims occurred in Hennepin County, Minnesota.

FACTUAL BACKGROUND

8. On July 12, 2019, Daunte, Jr. was born to his undisputed biological parents Daunte, Sr. and Chyna Whitaker.

9. Daunte, Sr. at all times from July 12, 2019 until his death on April 11, 2021, acknowledged his son, Daunte, Jr. and his sole legal guardian Chyna Whitaker.

10. Daunte, Sr. was killed on April 11, 2021 by a Brooklyn Center police officer, which occurred during the criminal trial of Derek Chauvin, thereby making the presence of Defendants Crump and his law firm readily available for their counsel and representation.

11. Defendants Crump and his law firm were quick to sign up Plaintiff and Daunte, Sr.'s parents and begin their typical press releases with Daunte, Sr.'s parents doing the majority of the public releases. A number of these releases mentioned Daunte, Jr. by name together with his age and fact that he would now grow up without even knowing his father.

12. Defendants Crump and his law firm only wanted Plaintiff to be involved so that she could bring Daunte, Jr. to garner additional sympathy and outrage from the community—to show the general public how this police officer deprived this young child of his father.

13. There were several family meetings with Crump and his law firm, where numerous cousins, friends, and other relatives attended. Also present were members of the law firm of Newmark Storms Dworak ("NSD") of Minneapolis, Minnesota. Together Defendants Crump, Crump Law and NSD held themselves out as legal counsel for Plaintiff from April 12, 2021 until April 15, 2021 when they were terminated.

14. Ben Crump specifically stated to Chyna Whitaker in the presence of several of her relatives and friends on more than one occasion words to the effect that, "Chyna you are going to receive at least 50% of the GoFundMe proceeds collected that my firm will help set up. . . Don't worry we are going to make certain that you and your son are taken care of."

15. Had Crump not made the above specific statement to Plaintiff, she would have separately set up her own GoFundMe account, which she had a legal right to do.

16. Plaintiff had never been involved in anything like this before and had no reason to question the representations of Crump. Additionally, Plaintiff had no reason to believe that Crump was being untruthful.

17. Shortly after April 11, 2021, Kelly Bryant (Daunte's aunt) with the assistance of Crump's law firm, established "The Daunte Wright Sr. Memorial Fund" (listing Daunte, Sr.'s father as a beneficiary) which expressly told donors to send monies to the following with the following instructions:

The Daunte Wright Memorial Fund
c/o Ben Crump Law, PLLC
122 S. Calhoun Street
Tallahassee, FL 32301
Attn: Adner Macelin

Please note that all checks, cashier's checks and/or money orders must be made payable to Katie Wright.

A true and correct copy of the GoFundMe page is marked Exhibit A, attached hereto, and incorporated by reference.

18. In a responsive email post to the GoFundMe site, defendants' agent Kelly Bryant posted verbatim:

All funds raised through this site will go towards covering funeral and burial expenses, mental health, and grief counseling, **providing support to Duante's infant son, Daunte Wright, Jr.**, and to help the Wright family in the fight for justice. 100% of the funds raised on this site will go to the Wright family. NO PART OF THESE FUNDS WILL BE USED TOWARDS LEGAL FEES. The road to justice is very long, and the Wright family will not let what happened to Daunte be forgotten. The officer(s) who took his life must be held responsible. (Emphasis added in first & second lines)

A true and correct copy of the email post is marked Exhibit B, attached hereto, and incorporated by reference.

19. On April 16, 2021, Daunte, Sr.'s parents filed a joint Petition with the assistance of the law firm of NSD without the consent of Plaintiff.

20. On or about May 16, 2021, Plaintiff filed an objection to the joint Petition after retaining replacement counsel, Thomas D. Bowers.

21. As of the date of Plaintiff's objection, she had not received any monies from the GoFundMe account as promised to her by Crump. Instead, Plaintiff believed that Crump and his law firm were favoring Daunte, Sr.'s parents over Daunte, Jr.

22. In filings made by Plaintiff in opposition to the joint Petition of Daunte, Sr.'s parents, Plaintiff's cousins provided an Affidavit that stated verbatim under oath:

I was also present with Chyna Whitaker when Ben Crump told us that all of the proceeds from the GoFundMe would be split equally between Duante Wright Jr. and Daunte Wrights Sr.'s parents, siblings, and grandparents. This money was never sent to Chyna as promised after Ben Crump and his legal team were fired.

23. Now, nearly 1 ½ years after using Daunte, Jr.'s image and existence to raise over one million dollars in the GoFundMe page, Defendants ALL turned their backs on Plaintiff and her infant son, the sole surviving heir of Daunte, Sr.

24. Promises made by Crump in the presence of others that Plaintiff on behalf of her infant son, Daunte, Jr., would receive 50% of the GoFundMe funds raised never materialized and Crump and Crump Law moved on to the next highly publicized money-making police misconduct case without so much as assistance on his part to make certain his clients, Daunte, Sr.'s parents, kept the promise.

COUNT I – PROMISSORY ESTOPPEL
(All Defendants)

25. Plaintiff restates and realleges all prior statements herein.

26. Defendant Crump, a well-known and recognized advocate for minority victims of police misconduct in Minneapolis, Minnesota — namely George Floyd at the time — knew, or should have known, that Plaintiff, a young mother of an infant child whose 20 year old Father had

been fatally shot by a local police officer, would rely upon his specific and definite statements, promises and representations that, “Chyna you are going to receive at least 50% of the GoFundMe proceeds collected that my firm will help set up. . . Don’t worry we are going to make certain that you and your son are taken care of.”

27. Again, these specific and definite statements, promises and representations were repeatedly made in the presence of others as stated above.

28. As with the George Floyd GoFundMe account, substantial monies could be raised by setting up such an account herself for the benefit of Daunte, Jr., a legal right Plaintiff had at the time of Daunte, Sr.’s death.

29. Plaintiff did in fact rely upon Crump’s above express specific and definite statements, promises and representations that he and his law firm were setting up the GoFundMe account of which 50% would be for the specific benefit of Daunte, Jr. and that she could rely upon him to take care of her and her infant son.

30. But for Defendant Crump’s above express specific and definite statements and promises that he and his law firm were setting up the GoFundMe account of which no less than 50% was for the benefit of Daunte, Jr., Plaintiff would have set up a separate GoFundMe campaign that she would solely control and manage.

31. In other words, Plaintiff forewent the ability to fundraise on her son’s behalf based on Crump and his team’s representations to her – that Daunte, Jr. would receive no less than 50% of the funds raised through The Daunte Wright Sr. Memorial Fund.

32. Plaintiff reasonably believed that Daunte, Sr.’s parents would honor Crump’s specific and definite statements, promises and representations since he was one of their attorneys. After all, Kelly Bryant (Katie’s sister, who organized the fundraiser on behalf of Arbuoy Wright)

acknowledge in her post to the GoFundMe account that the proceeds were to be used for Daunte, Jr.

33. The specific and definite statements, promises and representations of the named Defendants that Daunte, Jr. is to receive no less than 50% of the GoFundMe funds raised, or approximately \$519,495.00, must be enforced to prevent injustice to Plaintiff and her infant son or harm will result for which Defendants should be held jointly and severally liable to Plaintiff in an amount to be determined by the trier of fact, but believed to be in excess of \$500,000.00.

COUNT II –FRAUD AND MISREPRESENTATION
(All Defendants)

34. Plaintiff restates all prior paragraphs herein.

35. Defendants made the specific and definite statements, promises and representations, either knowing they were untrue at the time made never intending to honor them. Said statements, promises and representations were material facts wherein Plaintiff was specifically told that Daunte, Jr. was to receive no less than 50% of monies raised by the GoFundMe account established by the Crump Law firm. Kelly Bryant, the organizer of the campaign, confirmed these facts in her email post on the GoFundMe site by stating “All funds raised through this site will go towards covering funeral and burial expenses, . . . providing support to Daunte’s infant son, Daunte Wright, Jr., and to help the Wright family in the fight for justice.” (See Ex. B).

36. Plaintiff did rely on Defendants’ specific and definite statements, promises and representations, and her reliance on them was reasonable since she was represented by Crump and his law firm at the time, and she saw the GoFundMe post by Daunte, Sr.’s mother and had no reason to doubt or question said statements at the time they were made as being other than true.

37. As a direct and proximate result of said specific statements, promises and representations, Plaintiff forewent establishing her own GoFundMe account, which she had a legal right to do.

38. The statements, promises and representations all ended up being untrue and were either untrue at the time made or made solely for the purpose of making others rely upon them with no intentions of honoring them.

39. Defendants' conduct represents common law fraud.

40. As a direct and proximate result of Defendants' fraudulent conduct, the full extent of which is not yet fully known without the benefit of discovery, Defendants are jointly and severally liable to Plaintiff for no less than 50% of the GoFundMe account or approximately \$519,495.00 (50% of \$1,038,990.00).

COUNT III – ACCOUNTING
(All Defendants)

41. Plaintiff restates all prior paragraphs herein.

42. Since the GoFundMe account was established for the specific purpose of soliciting funds for the stated benefit of Daunte, Jr., as represented to the general public by the campaign organizer, Plaintiff is entitled to a full and complete accounting from Daunte, Sr.'s parents of the two bank accounts established at Northwestern National Bank. Included in this accounting are the fronts and backs of any checks written out and cashed, deposits of any type and nature, bank statements, and all withdrawals and all other items related to the account for purposes of conducting a full and complete audit.

43. In addition, Plaintiff seeks a complete accounting from Defendants Crump and his law firm as to any monies, directly or indirectly, received as they relate to establishing, maintaining, or otherwise handling the GoFundMe account established for the benefit of Daunte, Sr. or any of his relatives.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment as follows:

1. Judgment against Defendants jointly and severally for an amount to be determined at

trial but reasonably believed to be in excess of \$500,000, which is non dischargeable;

2. Ordering that a full and complete accounting take place of all bank accounts where deposits were made from the GoFundMe account set up for Daunte, Sr. If an audit is necessary it should be paid by Defendants;

3. Awarding Plaintiff her reasonable attorney's fees, costs and disbursements herein; and

4. Granting Plaintiff such other relief as the Court deems just and proper.


Date: September 22, 2022

THE HUTTON FIRM, PLLC

By: 
Lee A. Hutton, III (0327992)
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333 South 7th Street, 2150 SPS Tower
Minneapolis, Minnesota 55402
(612) 808-9444
ATTORNEYS FOR PLAINTIFFS

Date: September 22, 2022

SKOLNICK & BARDWELL, P.A.

By: 
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333 South 7th Street, 1150 SPS Tower
Minneapolis, MN 55402
(612) 677-7600 Main
(612) 677-7601 Fax
ATTORNEYS FOR PLAINTIFFS

ACKNOWLEDGMENT REQUIRED BY MINN.STAT. § 549.211

The undersigned acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minn.Stat. § 549.211.

Date: September 22, 2022

THE HUTTON FIRM, PLLC
By: 
Lee A. Hutton, III (0327992)

Q Search How it works

Start a GoFundMe




Sign in

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Donate

The Daunte Wright Sr. Memorial Fund



 Kelly Bryant is organizing this fundraiser on behalf of Arbuely Wright.

On April 11th, our 20-year-old son, Daunte Wright Sr., was fatally shot and killed by a Brooklyn Center police officer during a routine traffic stop. Our family is distraught as we struggle to understand why our loved one was taken away from us in such a senseless manner.

All funds raised through this site will go towards covering funeral and burial expenses, mental health and grief counseling for Daunte's family, to help the Wright family in their fight for justice, and to provide support for family. 100% of the funds raised on this site will go to the Wright family. NO PART OF THESE FUNDS WILL BE USED TOWARDS LEGAL FEES. The road to justice is very long, and the Wright family will not let what happened to Daunte be forgotten. The officer(s)

EXHIBIT
A

who took his life must be held responsible.

Frequently Asked Questions:

1. Who am I and how am I related to the Daunte Wright, Sr.? The fund was established by Kelly Bryant (Daunte's aunt), and is being managed by Adner Marcelin of Ben Crump Law.

2. Can I contribute to the family's legal fund? No. While our family appreciates your generosity, our family is unable to accept money for the purposes of legal fees. All funds designated for such purposes will be returned.

3. Are there other ways I can contribute to the Wright family? Yes. Anyone wishing to send cards, letters of encouragement or contributions in the form of a check may do so by mail at:

\$1,038,990 raised of
\$1,100,000 goal

28.9K donations

Share

Donate now

The Daunte Wright Memorial Fund
c/o Ben Crump Law, PLLC
122 S. Calhoun Street
Tallahassee, FL 32301
Attn: Adner Marcelin



Anonymous
\$11 • 7 d



Anonymous
\$50 • 7 d



Anonymous
\$62 • 7 d

Please note that all checks, cashier's checks and/or money orders must be made payable to: Katie Wright

4. How will the funds be transferred to the family? 100% percent of funds raised through this site will be transferred to the Wright family in an account designated by Daunte's parents. The funds will be managed and spent at the parents' sole discretion, and they will have 100% ownership rights of all funds collected here.

See
all



See top See
donationstop

5. Who can I call if I have questions about this fund & to whom should inquiries be directed? If anyone

needs further information or has concerns about this campaign, please contact Adner Marcelin of Ben Crump Law, PLLC. Members of the general public may email [email redacted]. All media inquiries should be sent to [email redacted] using their official work e-mail. Any non-media requests sent to this email will be discarded.

[Donate](#)[Share](#)

Organizer and beneficiary



Kelly Bryant

Organizer
Minneapolis,
MN



Arbuey Wright

Beneficiary

[Contact](#)

Words of support (915)

Please donate to share words of support.



Adaeze Nwosu

\$20 • 6 mos

I'm a Black asexual woman who is also an up-and-coming author. I write stories about the invisible people in world society since I'm also a minority. We need to understand the past to create a better future. #BlackLivesMatter

**Kaloyan Stefanov**

\$15 • 8 mos

**Alexandra White**

\$693 • 12 mos

This is a donation from many. We created a BLM scentless air freshener for people to buy with 100% of proceeds going to the family via donation.

**Waite Park Everyday Leaders**

\$15 • 12 mos

For Daunte!

**Waite Park School Every Day Leaders**

\$250 • 13 mos

This was fundraised by the staff and students at Waite Park School in Minneapolis. Specifically the Every Day Leaders!

**adrian clonner**

\$5 • 13 mos

sorry



KARISMA Normandin

\$100 • 13 mos

ACAB. RIP.



c h point

\$50 • 13 mos

I raised this money on my small DIY record label by selling 15 cassette tapes & I am donating all of the money I received!



alan taylor

\$5 • 13 mos

sorry :(



Christian Santana

\$15 • 13 mos

Enough is enough there needs to be changed to policing in America.

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MINNESOTA JUDICIAL BRANCH

EXHIBIT

B

withdrawal
getting your funds released.

KB **Kelly Bryant**
Minneapolis, MN

On April 11th, our 20-year-old son, Daunte Wright Sr., was fatally shot and killed by a Brooklyn Center police officer during a routine traffic stop. Our family is distraught as we struggle to understand why our loved one was taken away from us in such a senseless manner.

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Withdraw


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Update

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