

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

ESTATE OF BRADLEY COLE, by and
through its Personal Representative, DEBRA
COLE,

Plaintiff,

vs.

ASHLEY INN & SUITES, an assumed
business name of P2C HOTELS, LLC;
MIRACLE K MANAGEMENT LLC, an
assumed business name of MKM HOTELS;
LLC; ROLAND CHARLES GOODHEART
EVANS-FREKE; and STEPHEN EVANS-
FREKE,

Defendants.

Case No.

COMPLAINT
(Wrongful Death)

PRAYER: \$20,000,000
(Filing Fee Pursuant to ORS 21.160(1)(e))

CLAIM NOT SUBJECT TO MANDATORY
ARBITRATION
(Pursuant to UTCR 13.060)

Plaintiff ESTATE OF BRADLEY COLE, by and through its Personal Representative
DEBRA COLE, ("Plaintiff") alleges:

PARTIES

1.

Debra Cole is the Personal Representative of the Estate of Bradley Cole and was duly
appointed by the Clackamas County Circuit Court on August 12, 2024.

2.

At all material times, Defendant Ashley Inn & Suites, an assumed business name of P2C
Hotels, LLC ("Defendant Ashley Inn"), is an Oregon limited liability company with member

1 Jaiden Investments, LLC residing in Clackamas County, Oregon. At all material times,
2 Defendant Ashley Inn was the owner of a hotel located in Lincoln City, Oregon (“the Hotel”).

3 3.

4 At all material times, Defendant Miracle K Management, LLC, an assumed business
5 name of MKM Hotels, LLC (“Defendant Miracle K”), is an Oregon limited liability company
6 with one or more members residing in Washington County, Oregon.

7 4.

8 At all material times, Defendant Miracle K was the manager of the Hotel pursuant to a
9 contract entered into on March 2, 2018, between Defendants Ashley Inn and Miracle K that was
10 in effect on May 14, 2024. At all material times, Defendant Miracle K was an agent of Defendant
11 Ashley Inn acting in the course and scope of its agency, and Defendant Ashley Inn is vicariously
12 liable for Defendant Miracle K’s conduct.

13 5.

14 At all material times, Defendant Roland Charles Goodheart Evans-Freke (“Defendant
15 Roland”) is an individual residing in Marion County, Oregon.

16 6.

17 At all material times, Defendant Stephen Evans-Freke (“Defendant Stephen”) is an
18 individual residing in the St. Thomas Division of the United States Virgin Islands. Defendant
19 Stephen is the father of Defendant Roland.

20 JURISDICTION AND VENUE

21 7.

22 Jurisdiction is proper in Oregon as the cause of action arises in this state, and venue is
23 proper in the Circuit Court for Clackamas County because one or more defendants reside in this
24 county.

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FACTUAL BACKGROUND

Throughout his childhood and young adulthood, Defendant Roland exhibited increasing violent behavior, which Defendant Stephen enabled and encouraged

8.

Beginning in the early teenage years, Defendant Stephen began to notice signs of uncontrollable rage in his son Defendant Roland.

9.

Beginning in the late teenage years, Defendant Stephen noted that his son Roland was developing an increasing obsession with fighting, martial arts, knives, and firearms.

10.

At this same time, Defendant Stephen noted signs of heavy and constant marijuana use by his son. Defendant Roland explained to his father that he needed marijuana “to control the anger he often felt uncoiling within him.”

11.

From his teens throughout his twenties, Defendant Roland’s rage and violent behavior increased, and he developed worsening mental health issues, including worsening delusions.

12.

During his teens, Defendant Roland consistently threatened his family members and others with physical violence, collected large caches of weapons, brandished weapons, destroyed furnishings, and set bonfires with the household items he had destroyed.

13.

Despite being aware of Defendant Roland’s violent propensities, Defendant Stephen arranged and paid for his son to train with three-time world champion boxer Julian “The Hawk” Jackson for approximately one year.

14.

Soon after his boxing training, Defendant Roland's mental health worsened, culminating in an attempted arson attempt and his forcible commitment to a psychiatric hospital. During this time, his mother discovered a huge cache of guns, knives, and swords from Defendant Roland's room.

15.

Upon his release from a psychiatric hospital, Defendant Stephen arranged for Defendant Roland to continue his training at Gleason's Boxing Gym in Brooklyn, New York.

16.

While he was training at Gleason's Boxing Gym, Defendant Roland's mental health worsened further, culminating in his being taken into protective custody and forcibly committed to a psychiatric hospital.

17.

Upon Defendant Roland's release from this second psychiatric hospital, Defendant Stephen agreed to fund a boxing gym that his son would run in Key West, Florida.

18.

Instead of travelling to Florida to set up a boxing gym, Defendant Roland drove from New York to Bend, Oregon.

19.

Unbeknownst to his father, Defendant Roland lived in Bend, Oregon for months. Defendant Stephen continued to fund his son during this time. In the fall of 2022, Defendant Stephen discovered that his son was in fact living in a homeless encampment in Bend and had been arrested for criminal trespass.

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20.

After learning that his son was living in Bend, Defendant Stephen paid for his son to stay in budget motels in Oregon. Defendant Roland was consistently evicted from these hotels due to guest complaints, damage to his room, and lack of personal hygiene.

Defendant Roland relocated to the Oregon Coast in May 2023 as his violent behavior increased, which Defendant Stephen was aware of and continued to encourage and enable

21.

By May 2023, Defendant Roland relocated to the Oregon Coast and began to stay at the Hotel in Lincoln City, Oregon. Defendant Roland continued to exhibit erratic and violent behavior, poor personal hygiene and cause guests to complain. Instead of responding to guest complaints, Defendants Ashley Inn and Miracle K coordinated with Defendant Stephen to pay for his son's room at the Hotel.

22.

Throughout the summer of 2023, Defendant Roland continued to live at the Hotel and a Comfort Inn in Newport, Oregon with Defendant Stephen's assistance.

23.

Defendant Roland's mental health again worsened. He was repeatedly arrested for trespass throughout the summer of 2023. By November 2023, he had again begun to collect weapons and was confused, incoherent, and frantic. Staff at the Comfort Inn reported to Defendant Stephen that his son was talking to himself, hearing voices, and wearing knives in the public areas of the Comfort Inn.

24.

On December 1, 2023, Defendant Stephen petitioned to involuntarily commit Defendant Roland for treatment of his mental illness. The petition was denied.

1 25.

2 On December 3, 2023, Defendant Roland became paranoid and agitated at a dinner with
3 Defendant Stephen. When Defendant Stephen attempted to return Defendant Roland to the
4 Comfort Inn, Defendant Roland began to scream, throw benches, and acting threateningly
5 toward Defendant Stephen and others at the Comfort Inn. The Newport Police arrived and
6 arrested Defendant Roland. Defendant Roland was excluded from the Comfort Inn that same
7 day.

8 26.

9 After his exclusion from the Comfort Inn, Defendant Roland eventually returned to the
10 Hotel. Defendant Stephen continued to send food, send money, communicate with Defendant
11 Roland, and communicate with Defendants Ashley Inn and Miracle K's staff at the Hotel about
12 Defendant Roland.

13 **Defendant Roland's mental health and violent instability worsened in April and May 2024,**
14 **and despite Defendants Ashley Inn, Miracle K, and Stephen's awareness, they did nothing**

15 27.

16 Defendant Roland continued to live at the Hotel for the next several months. By April
17 2024, Defendant Roland's mental health issues had worsened, and Defendant Roland was
18 experiencing florid psychosis. Agents and employees of Defendants Ashley Inn and Miracle K
19 witnessed, discussed, and corresponded about numerous complaints of violent and unstable
20 behavior by Defendant Roland.

21 28.

22 On May 13, 2024, Defendant Roland attacked his romantic partner at the Hotel. Police
23 were called to the Hotel and discussed Defendant Roland's violent behavior with agents and
24 employees of Defendant Ashley Inn and/or Defendant Miracle K.

1 29.

2 From April 29, 2024, through May 13, 2024, Defendant Stephen was aware of Defendant
3 Roland's violent propensities and florid psychosis but took no actions to improve it, change it, or
4 prevent Defendant Roland from harming others.

5 30.

6 From April 29, 2024, through May 13, 2024, Defendants Ashley Inn and Miracle K
7 researched and became aware of Defendant Roland's violent propensities and florid psychosis
8 but took no actions to remove Defendant Roland, protect its guests from Defendant Roland, or
9 warn its guests of the danger posed by Defendant Roland.

10 31.

11 From April 29, 2024 through May 13, 2024, Defendants Ashley Inn and Miracle K
12 witnessed and were informed of additional incidents of violence and instability by Defendant
13 Roland.

14 32.

15 From April 29, 2024, through May 13, 2024, Defendant Stephen was informed of
16 additional incidents of violence and instability by Defendant Roland by agents and employees of
17 Defendants Ashley Inn and Miracle K.

18 33.

19 Despite Defendants being aware of additional incidents of violence and instability by
20 Defendant Roland, Defendants Ashley Inn and Miracle K allowed him to continue living at the
21 Hotel.

Defendants' failures to take action against Roland's unchecked violence and mental instability culminates in Bradley Cole's brutal beating and subsequent death

34.

On May 14, 2024, decedent Bradley Cole (“Bradley Cole”) and his wife, Debra Cole, arrived at the Hotel to celebrate their 37th wedding anniversary.

35.

Soon after arriving, Bradley Cole left his room to take his dog for a walk on the grounds of the Hotel. Debra Cole waited in the hotel room.

36.

At the same time on the grounds of the Hotel, Defendant Roland was smoking a cigarette. When Defendant Roland saw Bradley Cole and his dog, he approached him and demanded that he surrender his dog.

37.

When Bradley Cole refused to give up his dog, Defendant Roland viciously attacked Bradley Cole.

38.

Defendant Roland continued to punch, kick, and knee Bradley Cole for several minutes. After the assault, Defendant Roland left the scene of the attack with Bradley Cole's dog.

39.

Defendant Roland returned several minutes later and continued to assault Bradley Cole.

40.

Defendant Roland returned again and assaulted Bradley Cole a third time.

1 41.

2 Bradley Cole suffered injuries so severe that his face was covered in blood, severely
3 swollen, and significantly deformed and discolored. Bradley Cole's right ear was severed down
4 to the center and his eyelids were bulging out of his face.

5 42.

6 Two citizens wrestled Defendant Roland to the ground while awaiting emergency
7 personnel.

8 43.

9 When emergency personnel arrived the two officers attempted to place Defendant Roland
10 into handcuffs, but he began to overpower the officers. One officer was forced to tase Defendant
11 Roland repeatedly so that he could be put in handcuffs.

12 44.

13 After Defendant Roland was restrained, an officer began to perform CPR on Bradley
14 Cole. While the officer was performing CPR, Bradley Cole stopped breathing and no longer had
15 a pulse.

16 45.

17 Bradley Cole died as a result of the injuries he suffered from Defendant Roland.

18 **DAMAGES**

19 46.

20 As a result of Defendants' negligent conduct, Bradley Cole sustained injuries that caused
21 his death.

1 47.

2 Plaintiff Estate of Bradley Cole sustained noneconomic damages for Bradley Cole's pain
3 and suffering and the loss of companionship to his family in an amount that a jury determines is
4 fair and reasonable, but not to exceed \$20,000,000.

5 **JOINT LIABILITY**

6 48.

7 Defendants Ashley Inn, Miracle K, and Stephen acted in concert with one another or
8 pursuant to a common design when they discussed and responded to Defendant Roland's violent
9 behavior, mental health issues, and the dangers he posed to tenants of the Hotel. This joint and
10 tortious conduct culminated in Defendant Roland attacking and killing Bradley Cole.

11 49.

12 Defendants Ashley Inn, Miracle K, and Stephen knew that the other's conduct constituted
13 a breach of duty to Bradley Cole yet they each gave substantial assistance and encouragement to
14 the other by continuing to communicate about Defendant Roland's condition, coordinate
15 payment for his lodging, coordinate to bring him meals, and otherwise enable his dangerous and
16 unstable behavior in their joint and tortious conduct against Bradley Cole.

17 50.

18 Defendant Ashley Inn, Defendant Miracle K, and Defendant Stephen gave substantial
19 assistance to the other in accomplishing their negligent and reckless treatment of Bradley Cole
20 when they discussed Defendant Roland's past issues and worsening violent outbursts but failed
21 to prevent them from worsening, and each of their conduct, separately considered, constituted a
22 breach of duty to Bradley Cole.
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1 d) Warn Bradley Cole of violent, unstable guests on the premises and protect Bradley
2 Cole from those risks that Defendants Ashley Inn and Miracle K knew or should have
3 known about.

4 56.

5 Defendants Ashley Inn and Miracle K were negligent in one or more of the following
6 particulars:

- 7 a) Failing to make the premises reasonably safe by ensuring that violent, aggressive, and
8 unstable individuals could not enter the premises;
- 9 b) Failing to exercise reasonable care to discover violent, aggressive, and unstable
10 individuals on the premises;
- 11 c) Failing to remove Defendant Roland from the premises at any point;
- 12 d) Failing to remove Defendant Roland from the premises after repeated complaints by
13 guests about his violent, aggressive, and unstable behavior;
- 14 e) Failing to remove Defendant Roland from the premises after police were called due to
15 credible reports of domestic violence and assault;
- 16 f) Failing to warn Bradley Cole of the dangers posed by Defendant Roland;
- 17 g) Failing to ensure that Bradley Cole would not encounter Defendant Roland, who
18 Defendants knew to be violent, unstable, and a threat to guests at the Ashley Inn; and
- 19 h) Arranging for Defendant Roland to stay on the property despite the threats he posed
20 to other guests by personal interactions with Defendant Roland and Defendant
21 Stephen.

22 57.

23 Defendants Ashley Inn and Miracle K were reckless because they knew or had reason to
24 know of facts which would lead a reasonable person to realize that their conduct not only creates

1 unreasonable risk of harm to others but also involves a high degree of probability that substantial
2 harm will result.

3 58.

4 As a foreseeable result of Defendants Ashley Inn and Miracle K's conduct, Bradley Cole
5 suffered injuries and damages as set forth above.

6 **SECOND CLAIM FOR RELIEF – COMMON LAW NEGLIGENCE**

7 **Against Defendant Stephen**

8 59.

9 Plaintiff realleges all paragraphs above.

10 60.

11 Defendant Stephen acted negligently in one or more of the following particulars:

- 12 a) Enabling Defendant Roland's violent, aggressive, and unstable behavior;
- 13 b) Training Defendant Roland in boxing, mixed martial arts, and other fighting sports
14 despite his preexisting violent, aggressive, and unstable behavior;
- 15 c) Training Defendant Roland in how to more effectively harm other human beings;
- 16 d) Failing to report Defendant Roland's violent, aggressive, and unstable behavior to the
17 appropriate authorities;
- 18 e) Placing Defendant Roland in temporary housing while he knew or should have
19 known that Defendant Roland posed an unreasonable risk to other residents; and
- 20 f) Placing Defendant Roland in temporary housing and failing to warn residents or
21 owners of the housing of the risk posed by Defendant Roland.
- 22
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1 61.

2 Defendant Stephen was reckless because he knew or had reason to know of facts which
3 would lead a reasonable person to realize that his conduct not only creates unreasonable risk of
4 harm to others but also involves a high degree of probability that substantial harm will result.

5 62.

6 As a foreseeable result of Defendant Stephen's conduct, Bradley Cole suffered injuries
7 and damages as set forth above.

8 **THIRD CLAIM FOR RELIEF – PHYSICAL ABUSE AGAINST A VULNERABLE**
9 **PERSON (ORS 124.100 *ET SEQ.*)**

10 **Against Defendants Ashley Inn, Miracle K, and Stephen**

11 63.

12 Plaintiff realleges all paragraphs above.

13 64.

14 At all times relevant, Bradley Cole was a vulnerable person, aged 69, pursuant to ORS
15 124.100(1)(a) and (e)(A) and therefore a member of the class of persons intended to be protected
16 by the Elderly Persons and Persons With Disabilities Abuse Prevention Act, ORS 124.100 *et seq.*

17 65.

18 The acts and omissions of Defendants Ashley Inn, Miracle K, and Stephen constitute
19 physical abuse of a vulnerable person pursuant to ORS 124.100(2) and (4) by permitting
20 Defendant Roland to engage in conduct that would constitute assault and/or menacing pursuant
21 to ORS 124.105(1)(a) and (b) when Defendants Ashley Inn, Miracle K, and Stephen knowingly
22 acted or failed to act under circumstances in which a reasonable person should have known of
23 the physical abuse.
24

1 66.

2 As a result of Defendants' violations of ORS 124.100(2) and (4), Bradley Cole suffered
3 injuries and damages as set forth above. The injuries and damages suffered by Bradley Cole are
4 the type which ORS 124.100 *et seq.* were intended to prevent.

5 67.

6 The Estate of Bradley Cole is entitled to treble damages pursuant to ORS 124.100(2)(a)
7 and (b).

8 68.

9 The Estate of Bradley Cole has incurred and will incur attorneys' fees in the prosecution
10 of this action and is therefore entitled to its reasonable attorney fees pursuant to ORS
11 124.100(2)(c).

12 69.

13 The Estate of Bradley Cole has incurred and will incur fees for the services of a personal
14 representative in order to prosecute its claim and is therefore entitled to its reasonable fees
15 pursuant to ORS 124.100(2)(d).

16 **FOURTH CLAIM FOR RELIEF – BATTERY**

17 **Against Defendant Roland**

18 70.

19 Plaintiff realleges all paragraphs above.

20 71.

21 Defendant Roland intended to cause a harmful and offensive contact when he attacked
22 Bradley Cole.

1 72.

2 Defendant Roland's actions directly or indirectly caused harmful or offensive contact
3 with Bradley Cole as set forth above.

4 **FIFTH CLAIM FOR RELIEF – PHYSICAL ABUSE AGAINST A VULNERABLE**
5 **PERSON (ORS 124.100 ET SEQ.)**

6 **Against Defendant Roland**

7 73.

8 Plaintiff realleges all paragraphs above.

9 74.

10 At all times relevant, Bradley Cole was a vulnerable person, aged 69, pursuant to ORS
11 124.100(1)(a) and (e)(A) and therefore a member of the class of persons intended to be protected
12 by the Elderly Persons and Persons With Disabilities Abuse Prevention Act, ORS 124.100 *et seq.*

13 75.

14 The acts and omissions of Defendant Roland constitute physical abuse of a vulnerable
15 person because Defendant Roland engaged in conduct that would constitute assault and/or
16 menacing pursuant to ORS 124.105(1)(a) and (b).

17 76.

18 As a result of Defendants' violations of ORS 124.105(1)(a)-(c), Bradley Cole suffered
19 injuries and damages as set forth above. The injuries and damages suffered by Bardley Cole are
20 the type which ORS 124.100 *et seq.* were intended to prevent.

21 77.

22 The Estate of Bradley Cole is entitled to treble damages pursuant to ORS 124.100(2)(a)
23 and (b).
24

1 78.

2 The Estate of Bradley Cole has incurred and will incur attorneys' fees in the prosecution
3 of this action and is therefore entitled to its reasonable attorney fees pursuant to ORS
4 124.100(2)(c).

5 79.

6 The Estate of Bradley Cole has incurred and will incur fees for the services of a personal
7 representative in order to prosecute its claim and is therefore entitled to its reasonable fees
8 pursuant to ORS 124.100(2)(d).

9 **PUNITIVE DAMAGES**

10 80.

11 Defendants acted with malice or showed a reckless and outrageous indifference to a
12 highly unreasonable risk of harm and acted with a conscious indifference to the health, safety,
13 and welfare of others.

14 81.

15 Plaintiff provides notice that she intends to seek leave to allege punitive damages against
16 each and every Defendant.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff prays for judgment as follows:

- 19 a) For past and future noneconomic losses in an amount that the jury believes is fair, but
20 not to exceed \$20,000,000;
- 21 b) For treble damages pursuant to ORS 124.100(2)(a) & (b);
- 22 c) For reasonable attorney fees pursuant to ORS 124.100(2)(c);
- 23 d) For reasonable fees for the services of a personal representative pursuant to ORS
24 124.100(2)(d);

1 e) For interest according to law; and

2 f) For such other relief as this court deems just.

3 DATED this 11th day of June, 2025.

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