

# PARKINSON BENSON POTTER

AN ASSOCIATION OF INDEPENDENT TRIAL LAWYERS

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***Via E-Mail***

Office of the Attorney General  
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Salt Lake City, Utah 84114  
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***Re: NOTICE OF CLAIM AGAINST THE STATE OF UTAH, UTAH VALLEY UNIVERSITY, THE UTAH VALLEY UNIVERSITY POLICE DEPARTMENT, JEFFREY LONG, ASTRID TUMINEZ, AND OTHERS PRESENTLY UNKNOWN WHO WERE INVOLVED IN THE DEATH OF CHARLES KIRK***

To Whom It May Concern:

This document serves as a Notice of Claim against the State of Utah, Utah Valley University, the Utah Valley University Police Department, Jeffrey Long, Astrid Tuminez, and other state actors known and unknown (hereinafter, together, “UVU Parties”) pursuant to Utah Code Ann. §63G-7-401.

***I. NATURE OF THE CLAIMS (Utah Code Ann. §63G-7-401(4)(a)(ii))***

This Notice of Claim relates to the Defendants’ failures that led to the assassination of Charles (“Charlie”) Kirk. The nature of this claim is therefore based on the wrongful death and survivor claims resulting from the wrongful acts and negligence of UVU Parties that led to the death of Charlie Kirk pursuant to Utah Code Ann § 78B-3-106(1).

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## ***II. Persons Involved***

The persons involved in these claims include Charlie Kirk, the Estate of Charles Kirk, and his heirs, Erika Kirk, Minor G.K., and Minor M.K. as prospective plaintiffs as well as potential claims by Mr. Kirk's other family members including his parents Robert Kirk and Kathryn Kirk.

The prospective defendants are anticipated to be Utah Valley University, the State of Utah, the Utah Valley University Police Department, UVU Chief of Police Jeffrey Long, and former president of UVU, Astrid Tuminez, and other state actors known or unknown at this time.

## ***III. Date, Time, and Place of Occurrence***

The events giving rise to this claim took place in the days leading up to, and the date of, September 10, 2025, on or around 12:00 p.m., when Charlie Kirk was shot at the campus of Utah Valley University, in Orem Utah.

## ***IV. Brief Statement of the Facts ((Utah Code Ann. §63G-7-401(4)(a)(i))***

### ***A. Charlie Kirk***

Charlie Kirk was a once-in-a-lifetime public and political figure. He built the largest conservative campus and youth activist organization in America, Turning Point USA ("TPUSA"), in just under a decade. His social media footprint was vast, and his political star was just rising. He spoke at the 2016, 2020, and 2024 Republican National Conventions. He was personal friends with President Trump as well as many of Utah's most powerful politicians.

Mr. Kirk's outsized public influence came with costs and risks. He had detractors. He faced frequent death threats. In May 2025, at an event titled "Freedom Night in America" Mr. Kirk explained that he believed in the United States "you should not have to walk around with



security for your entire family and for myself just because you support a politician or political candidate or certain values.” Nonetheless, as he explained, “we get death threats—people want to murder us.” The discourse about these threats was publicly known and reported on well before Mr. Kirk ever stepped foot on UVU’s campus.

### ***B. UVU Charlie Kirk Event***

In 2025, Turning Point USA planned its largest ever campus tour for the new school year. The American Comeback Tour (the “Tour”) was heavily publicized on social media, including among the tens of millions who followed Kirk or Turning Point USA on the various social media platforms. Through advocacy by the local chapter of TPUSA on UVU’s campus, Utah Valley University had the distinct honor of being the first stop on the fall Tour.

That honor came against a well-known backdrop of risk. “Shootings on schools and campuses across the U.S. are ... increasing,”<sup>1</sup> and as a result, campuses are less safe. And on top of that, political violence has been on the rise. Mr. Kirk’s visit occurred when political violence had hit a fever pitch. Famously, President Trump was shot by a rooftop sniper during the 2024 presidential campaign. Another would-be assassin of President Trump was intercepted on a golf course only two months later. Congresswoman Nancy Pelosi’s husband was brutally attacked in their California home. And a state legislator and her husband were ruthlessly murdered in their home in Minnesota. It was in this environment political danger that the UVU Parties chose to host Charlie and the Tour.

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<sup>1</sup> “Addressing Gun Violence on College and University Campuses,” American College Health Association, White Paper (Aug. 2023) at [https://www.acha.org/wp-content/uploads/2024/06/ACHA\\_Addressing\\_Gun\\_Violence\\_on\\_College\\_and\\_University\\_Campuses\\_Aug2023.pdf](https://www.acha.org/wp-content/uploads/2024/06/ACHA_Addressing_Gun_Violence_on_College_and_University_Campuses_Aug2023.pdf). (Last retrieved August 27, 2026).



### ***C. Defendants Wrongful Acts and Negligence***

Tragically, the UVU Parties failed to rise to the occasion. Through a series of stunning failures and reckless decisions, the UVU Parties created a foreseeable danger to Charlie. Those decisions ultimately rendered Mr. Kirk helpless to the rooftop shooter in an assassination that could have been avoided had the UVU Parties only taken reasonable steps to plan and oversee a safe event, steps outlined below that have been standard practice for other universities hosting controversial speakers. On information and belief, the failings and negligence of the UVU Parties include:

**1. Failure to understand the significance of Mr. Kirk's visit to campus which led to a lack of proper preparation.** It is clear that the UVU Parties did not conduct a meaningful risk assessment before approving the outdoor location for the event. UVU Police did not have a written security plan for the Tour event. Further, the UVU Parties did not have a security briefing before the Tour event where the risks associated with unsecured rooftops on campus—risks that had been identified and communicated to Chief Long (discussed further below)—could be communicated to other officers.

**2. Deciding to permit the Tour to take place in an outdoor venue without dedicating sufficient security resources to make that venue safe.** Placing a politically controversial figure like Charlie Kirk in an outdoor event in the quad surrounded by tall buildings and other elevated observation platforms is accurately described as walking him into a fishbowl. The UVU Parties could have declined to approve the Tour event in the outdoor quad location, or could have moved the venue indoors or to a more secure location, as it had done for controversial speakers in the past. Nevertheless, The UVU Parties approved the event to be held



at an outdoor venue dramatically increasing security risks but did not dedicate resources necessary to address the enhanced risk this approval created.

**3. Assigning only six campus police officers to an outdoor event with thousands of attendees, despite requests for additional officers.** The UVU Parties assigned only 6 police officers to the outdoor Tour event that ultimately attracted approximately 3,000 attendees. On information and belief, Chief Jeffrey Long requested approval from then UVU President, Astrid Tuminez, to allocate more than the six officers—which represented only 25% of the UVU police force—but his request was denied. Further, the UVU Parties failed to ask for assistance from outside police forces, such as the Orem or Provo police. The Orem Police, with whom UVU has law enforcement cooperation agreements, did not receive a call for assistance until after the assassination. Indeed, the UVU Parties’ planning was so deficient that when Mr. Kirk was shot first responders were not available and Mr. Kirk was transported to Timpanogos Regional Hospital in a private vehicle, not an ambulance.

**4. Failing to exercise its exclusive power to keep Mr. Kirk Safe.** There are a multitude of measures and actions that Mr. Kirk, his security, and TPUSA lacked power and authority to do, but that the UVU Parties *could and should have done* to make Mr. Kirk safe. For instance, the UVU Parties could have created and maintained a secure perimeter around the event by constructing physical barriers with limited points of ingress and egress where the number of attendees could be controlled and where security screenings could take place. The UVU Parties could have used metal detectors around campus or employed common sense safety measures like those utilized at sporting events on campus. It could have placed restrictions on the number of attendees. The UVU Parties, not TPUSA, had the power and authority to block



walkways or cordon off a part of campus and limit access, excluding other students and the public to create a safe event. Indeed, as mentioned above, the UVU Parties could even have relocated the event.

Other tools for security and safety were at the UVU Parties' disposal but not utilized. For instance, the UVU Parties did not monitor CCTV footage in real-time. After-the-fact review of the footage at the Preliminary Hearing in the criminal prosecution of the alleged shooter Tyler Robinson showed the shooter running across the roof of the Losee Building to a "sniper's nest." If such footage had been monitored in real-time, Kirk's tragic death could have been avoided.

Additionally, Defendants could have used drones to secure the rooftops and the sprawling outdoor venue. And, even if the UVU Parties lacked the expertise or equipment, they could have used Orem City Police Department's drones.

Tragically, the UVU Parties took none of these safety measures – steps only they had the authority to take – resulting in a situation that rendered Mr. Kirk helpless before his assassin.

**5. UVU put Mr. Kirk at additional risk by ignoring the specific tip it was given regarding the risk associated with rooftop access.** TPUSA passed along a student concern about the risk posed to Mr. Kirk by accessible rooftops on campus. Specifically, TPUSA texted, "Hello Chief Long – we received this message today from the student group.... 'there is student roof access pretty close to where [Charlie Kirk] will be set up at Utah Valley (The Sorensen Student center as a couple of stair cases that go up to the walkways on the roof).'" When a TPUSA official informed Chief Long of the concern and asked "if this is true, it would be nice to either have it controlled access or allow one of my guys to be there as well. If Possible." Chief Long responded by saying, "I got you covered." This led TPUSA to reasonably conclude that



UVU had a plan to address the identified risk and other similar risks (most obviously the risk from other rooftops) without TPUSA involvement. Chief Long’s text message did not invite or even allow TPUSA to take any steps to secure the risk of unsecured rooftops. Instead, Chief Long took responsibility to secure that risk. From this exchange, TPUSA and Mr. Kirk could have and did reasonably conclude that the UVU Parties were taking responsibility for risks outside of Mr. Kirk’s immediate security “bubble.” At the very least, UVU Chief Long knew that TPUSA was expecting UVU police to address security risks the venue created, since TPUSA requested that the UVU Parties address the risk the accessible rooftops on campus posed. Not only was UVU alerted to this risk, it was well aware of the fact that students frequently accessed the very rooftop where the assassin positioned himself to take the fatal shot as UVU employees would often find beer bottles and other trash/paraphilia on this very rooftop.

The risk of a rooftop shooter should have been especially top-of-mind given the attempted assassination of President Trump, Charlie Kirk’s close friend and political ally, by a rooftop shooter the previous year.

**6. The UVU Parties’ omissions, actions and misconduct led to Mr. Kirk’s death.**

All of these failures placed Mr. Kirk in danger. He was legally entitled to believe that when the UVU Parties approved the Tour event to be held on campus on September 10, that the UVU Parties would only hold the event in a venue and with associated security measures that made the event safe for him to attend and participate in. Instead, Mr. Kirk was exposed to the danger of a rooftop shooter that took his life. In light of the risks known to the UVU Parties, the UVU Parties’ failures shock the conscience—giving rise both to a state-created danger claim under the



United States Constitution's due process clause and a traditional wrongful death claim under Utah law.

Thank you for receiving the above notice of claim. Please feel free to reach out if you have questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Loren Washburn". The signature is fluid and cursive, with the first name "D." being prominent.

D. Loren Washburn  
Brett R. Parkinson  
Clifford B. Parkinson  
**PARKINSON BENSON POTTER**

