

**"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."**



# THE CHEYENNE HERALD

**the local advocacy journal**



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December 12, 2005 ♦ Issue No. Eighty-nine ♦ Next issue December 27, 2005 (Tuesday)

## Wrongful death lawsuit brought against Outlaw Saloon, others

***Cheyenne Police Lieutenant Korber and Detective Basile are alleged to have received unreported cash payments from the Outlaw Saloon - with Police Chief Bob Fecht's knowledge and approval***

Almost six months to the day from the Cheyenne Herald's first coverage of the death of Dwayne Sells from injuries sustained at the Outlaw Saloon on April 23, 2005, we now offer extended coverage of litigation filed today (Monday, December 12, 2005), in Laramie County District Court.

by  
**Dave  
Featherly**

JACK D. SELLS, the Personal Representative of the Estate of Dwayne A. Sells, Deceased,

Plaintiff,

vs.

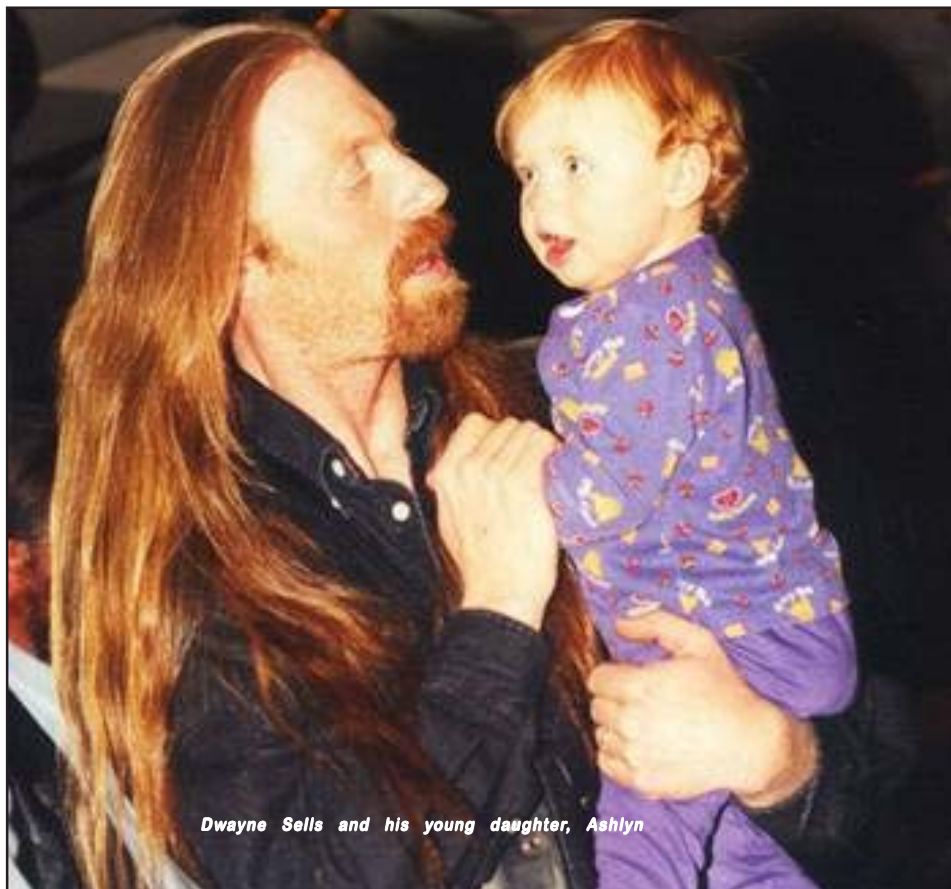
HEJE, INC., a Wyoming corporation, d/b/a The Outlaw Saloon; SUSAN M. HEIN, individually, and as agent of HEJE, INC.; MITCH JEDLICKI, individually, and as agent of HEJE, INC.; and DONALD NATH, individually,

Defendants.

Counsel for the Sells family, John R. Vincent of Riverton, and Thomas G. Kelly of Cheyenne, have presented some shocking and startling allegations and disclosures in the Complaint. (See pages 6 and 7 and Herald website.)

According to the lawsuit, "Under the legal doctrine of respondeat superior, the acts and omissions of Defendants Hein, Jedlicki and Nath are also attributable to and the legal responsibility of Defendant HEJE."

Early in the brief, there is an allegation that: "Defendants had actual notice that verbal and physical attacks on Bar patrons were reasonably likely to occur in the Bar and that the Defendants had a duty to take reasonable steps to protect its patrons, including Dwayne, from these foreseeable attacks; and further, Defendants consciously and knowingly chose to avoid warning the public of the adverse occurrences."



Dwayne Sells and his young daughter, Ashlyn

Dwayne A. Sells was born on September 9, 1969 in Huntington Park, California to Jack and Liz Sells. He graduated from Cheyenne, Wyoming's East High School in 1987. Upon graduating he joined the United States Army. While in the Army, Dwayne made many lifelong friends, traveled the globe, and ultimately became a Gulf War Veteran.

Dwayne was an employee of Quark Industries in Cheyenne, Wyoming. Dwayne was a 10 year member of American Bikers Aided Toward Education (ABATE) of Cheyenne, Inc., and was serving as President when he passed away. Dwayne was extremely active in numerous ABATE sponsored programs such as the Christmas Baskets, the Toy Run and the Stride Ride. He was also very active in the Bikers Ride for Kids with Cancer and the Our Buddies organizations. Dwayne donated his waist-length hair to Locks of Love several years ago - a nonprofit organization that provides wigs to children suffering from cancer and the effects of treatment.

Dwayne was very passionate about politics and was, in fact, a registered lobbyist with the State of Wyoming. Dwayne most recently went to Washington DC to meet and work with representatives and the Motorcycle Rights Foundation (MRF) on issues relating to rights of motorcyclists.

Dwayne is the father of a beautiful six year old girl, Ashlyn Sells. She was his Princess, the most important person in his life, his whole world, and his greatest accomplishment.

Dwayne Sells was a peaceful, intelligent, respected, fun-loving, outgoing, passionate and loved man. Dwayne was almost always in a good mood and ready to have fun with his friends and family. He would give the shirt off of his own back, despite the fact that he himself lived so meagerly. There was nothing he wouldn't do for a friend, and nothing his friends wouldn't and won't do for him.

Source: [www.justiceforsells.com](http://www.justiceforsells.com)

Among the allegations in the Complaint is that Cheyenne police department personnel having a direct role in the investigation of this incident were, or had been, employees of the Outlaw Saloon - and were paid in cash by the Defendants in this case and that the Chief of Police, Bob Fecht, "knew of and approved the practice of the Defendants making payments in cash to off duty members of the Cheyenne Police Department to supposedly provide security services at the Bar;" and there were "(b) undisclosed payments in cash to the Supervisor of the Detective Division of the Cheyenne Police Department, the Detective in charge of investigating Dwayne's death, and at least one of the officers initially responding to and investigating Dwayne's assault between the period of time Dwayne's suffered his injuries and death and the date of the Coroner's inquest into the circumstances of Dwayne's death; ..."

The seriousness of these allegations cannot be overstated. These officers had an unhealthy "relationship" with the Outlaw that made it impossible to be objective and unbiased in their investigation.

Why was there no witness statement from the second participant in the fight, Josh Cooper, who is alleged to have also attacked Dwayne Sells as Dwayne lay semi-conscious on the bar floor? It is alleged in this Complaint that Cooper was underage and was being served alcohol illegally in the Outlaw Saloon on the night Dwayne Sells was fatally injured. He has since moved to Florida.

The allegations in this Complaint may explain why his involvement was handled the way that it was - his age and "an improper relationship with members of the Cheyenne Police Department."

(more on pages 6 and 7)

**READ THE ENTIRE COMPLAINT ON OUR WEBSITE SOON!**

**[www.CheyenneHerald.com](http://www.CheyenneHerald.com)**

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