

State of Minnesota

District Court

County of: <u>DAKOTA</u>	Judicial District: <u>FIRST</u>
	Court File Number: <u>19HA-CV-24-1277</u>
	Case Type: <u>CIVIL</u>

Andrew Thomas Conboy
Plaintiff (First, Middle, Last)

vs.

Affidavit in Support of Motion

Timothy Thomas Conboy
Defendant (First, Middle, Last)

My name is Andrew Thomas Conboy

My written statement of facts:

The transcripts being requested have legal basis both civil and possible criminal. Under MN Statute 573.02 a wrongful death suit can be filed against the defendant for breaching his duty of care. Timothy Thomas Conboy took two weeks off from work because this was the worst his wife's health had ever been, which he stated to family members and coworkers. By taking this action and making this statement about his wife's deteriorating health, the defendant assumed a duty of care for Kathleen Suzanne Conboy from March 3, 2021 until her eventual death on March 17, 2021. For two weeks KSC's body began to turn purple while defendant told family members to stay away from the house. By refusing to take his wife to the hospital or ER, knowing this was the worst state of health she had ever experienced,

and refusing to let family members, his decision of inaction constitutes negligence, intentional harm and is considered a wrongful death claim. When the defendant assumed a duty of care, then breached it by neglecting his wife's health and safety by lying in wait for two weeks, the defendant's inaction eventually caused her death. There was intent by the defendant by consciously choosing not to seek medical care for his clearly ill and injured wife, making his omission legally actionable. There was a legal duty of care assumed by Timothy Thomas Conboy when he took two weeks off from work to be his wife's caretaker. Spouses owe each other a duty of care in times of sickness and health according to the law of marriage, which includes seeking medical aid in medical emergencies. There is causation and a breach of duty, ~~as~~ when the defendant decided to not seek medical care, it led to his wife's eventual death. The transcripts being requested have legal basis, and are in no way frivolous; under MN Statute 573.02.

Lined area for text entry.

COURT REPORTER DANA CARMICHAEL FOR THIS CASE REQUESTED THAT I SUBMIT THIS MOTION TO JUDGE DAVID LUTZ SINCE HE PRESIDED OVER THE ORIGINAL CASE WHERE I WAS GRANTED A FEE WAIVER. CURRENTLY I AM GRANTED A 2026 FEE WAIVER IN CASE# 19AV-FA-22-3264.

Use another sheet of paper if you need more room.

I declare under penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: 4/6/2026 [Redacted]

Signature [Handwritten Signature]

Dakota Minnesota County and State where signed

Name: Andrew Thomas Conboy

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