

1 LAW OFFICES OF DALE K. GALIPO  
Dale K. Galipo, Esq. (SBN 144074)  
2 dalekgalipo@yahoo.com  
21800 Burbank Boulevard, Suite 310  
3 Woodland Hills, CA 91367  
Telephone: (818) 347-3333  
4 Facsimile: (818) 347-4118

LAW OFFICE OF PETER  
GOLDSTEIN  
Peter Goldstein, Esq. (SBN 6992)  
10795 West Twain Avenue, Suite 110  
Las Vegas, Nevada 89135  
Telephone: (702) 474-6400  
Facsimile: (888) 400-8799

5 **UNITED STATES DISTRICT COURT**  
6 **FOR THE DISTRICT OF NEVADA**

7 K.C., a minor, by and through her  
guardian *ad litem* Carolina Navarro;  
8 A.S., a minor, by and through her  
guardian *ad litem* Araceli Saenz; K.C.,  
9 by and through her guardian *ad litem*  
10 Amber Neubert; JACQUELINE  
11 LAWRENCE; KEITH CHILDRESS,  
12 SR., in each case individually and as  
successor in interest to Keith Childress,  
13 Jr., deceased; and JACQUELINE  
14 LAWRENCE as administrator of the  
ESTATE OF KEITH CHILDRESS, JR.,

15  
16 **Plaintiffs,**

17 vs.

18 LAS VEGAS METROPOLITAN  
19 POLICE DEPARTMENT, UNITED  
20 STATES OF AMERICA  
DEPARTMENT OF JUSTICE;  
21 ROBERT BOHANON; BLAKE  
22 WALFORD; JAMES LEDOGAR; and  
DOES 1-10, inclusive,

23 **Defendants.**

Case No.

**COMPLAINT FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—  
Denial of Medical Care (42 U.S.C.  
§ 1983)
3. Substantive Due Process—(42  
U.S.C. § 1983)
4. Municipal Liability for  
Ratification—(42 U.S.C. § 1983)
5. Municipal Liability for Failure to  
Train—(42 U.S.C. § 1983)
6. Municipal Liability for  
Unconstitutional Custom, Practice,  
or Policy—(42 U.S.C. § 1983)
7. Battery (Wrongful Death)
8. Negligence (Wrongful Death)
9. Wrongful Death (Federal Tort  
Claims Act—28 U.S.C. §1346(b))
10. Supervisory Liability—(*Bivens*)
11. Unreasonable Search and Seizure—  
Excessive Force (*Bivens*)
12. Substantive Due Process—(*Bivens*)

**DEMAND FOR JURY TRIAL**

1 **COMPLAINT FOR DAMAGES**

2 Jacqueline Lawrence as administrator of the ESTATE OF KEITH  
3 CHILDRESS, JR.; K.C., a minor, by and through her *guardian ad litem* Carolina  
4 Navarro; A.S., a minor, by and through her *guardian ad litem* Araceli Saenz; K.C.,  
5 by and through her *guardian ad litem* Amber Neubert; JACQUELINE  
6 LAWRENCE; and KEITH CHILDRESS, SR., in each case individually and as  
7 successor in interest to Keith Childress, Jr., deceased, bring this Complaint against  
8 Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT, UNITED  
9 STATES DEPARTMENT OF JUSTICE MARSHALS SERVICE, ROBERT  
10 BOHANON, BLAKE WALFORD, JAMES LEDOGAR, and DOES 1-10,  
11 inclusive, and allege as follows:

12 **INTRODUCTION**

13 1. This civil rights, state tort, federal, and *Bivens* action seeks  
14 compensatory and punitive damages from Defendants for violating various rights  
15 under the United States Constitution, the Federal Tort Claims Act, and state law in  
16 connection with the fatal police shooting of Plaintiffs' father and son, Keith  
17 Childress, Jr., on December 31, 2015.

18 2. The policies and customs behind shootings of civilians such as Keith  
19 Childress, Jr. are fundamentally unconstitutional and constitute a menace of major  
20 proportions to the public. Accordingly, insofar as Plaintiffs herein seek by means of  
21 this civil rights action to hold accountable those responsible for the killing of Keith  
22 Childress, Jr. and to challenge the unconstitutional policies and practices of the Las  
23 Vegas Metropolitan Police Department and the United States Department of Justice  
24 Marshals Service, this civil rights action is firmly in the public interest.

25  
26 **PARTIES**

27 3. At all relevant times, decedent Keith Childress, Jr. ("DECEDENT")  
28 was an individual residing in Laveen, Arizona.

1           4.       Plaintiff JACQUELINE LAWRENCE (“LAWRENCE”) is in the  
2 process of being appointed the special administrator of the ESTATE OF KEITH  
3 CHILDRESS, JR. (“ESTATE”). The ESTATE seeks survival damages under  
4 federal and state law.

5           5.       Plaintiff K.C. is a minor individual residing in Escondido, California  
6 and is the natural born child of DECEDENT. K.C. sues by and through her  
7 guardian *ad litem* Carolina Navarro both in her individual capacity as the child of  
8 DECEDENT and in a representative capacity as a successor in interest to  
9 DECEDENT. K.C. seeks both survival and wrongful death damages under federal  
10 and state law.

11           6.       Plaintiff A.S. is a minor individual residing in Escondido, California  
12 and is the natural born child of DECEDENT. A.S. sues by and through her guardian  
13 *ad litem* Araceli Saenz both in her individual capacity as the child of DECEDENT  
14 and in a representative capacity as a successor in interest to DECEDENT. A.S.  
15 seeks both survival and wrongful death damages under federal and state law.

16           7.       Plaintiff K.C. is a minor individual residing in Laveen, Arizona and is  
17 the natural born child of DECEDENT. K.C. sues by and through her guardian *ad*  
18 *litem* Amber Neubert both in her individual capacity as the child of DECEDENT  
19 and in a representative capacity as a successor in interest to DECEDENT. K.C.  
20 seeks both survival and wrongful death damages under federal and state law.

21           8.       Plaintiff JACQUELINE LAWRENCE is an individual residing in  
22 Laveen, Arizona and is the natural mother of DECEDENT. JACQUELINE  
23 LAWRENCE seeks both survival and wrongful death damages under federal and  
24 state law.

25           9.       Plaintiff KEITH CHILDRESS, SR. (“CHILDRESS”) is an individual  
26 residing in Moreno Valley, California and is the natural father of DECEDENT.  
27 LAWRENCE seeks both survival and wrongful death damages under federal and  
28 state law.

1           10. Defendant ROBERT BOHANON (“BOHANON”) is a sergeant or  
2 police officer for the Las Vegas Metropolitan Police Department (“LVMPD”). At  
3 all relevant times, BOHANON was acting under color of law within the course and  
4 scope of his duties as a sergeant or police officer for the LVMPD. At all relevant  
5 times, BOHANON was acting with the complete authority and ratification of his  
6 principals, LVMPD. Defendant BOHANON is sued individually.

7           11. Defendant BLAKE WALFORD (“WALFORD”) is a sergeant or police  
8 officer for the LVMPD. At all relevant times, WALFORD was acting under color  
9 of law within the course and scope of his duties as a sergeant or police officer for  
10 the LVMPD. At all relevant times, WALFORD was acting with the complete  
11 authority and ratification of his principal, LVMPD. Defendant WALFORD is sued  
12 individually.

13           12. Defendant JAMES LEDOGAR (“LEDOGAR”) is a sergeant or police  
14 officer for the LVMPD. At all relevant times, LEDOGAR was acting under color of  
15 law within the course and scope of his duties as a sergeant or police officer for the  
16 LVMPD. At all relevant times, LEDOGAR was acting with the complete authority  
17 and ratification of his principal, LVMPD. Defendant LEDOGAR is sued  
18 individually.

19           13. At all relevant times, Defendant United States Department of Justice  
20 Marshals Service (“DOJMS”) is and was a duly organized public entity, form  
21 unknown, existing under the laws of the United States of America. Defendant  
22 DOJMS is a component of the United States Department of Justice, an agency  
23 established in the Executive Branch of the United States government, with the  
24 capacity to be sued. At all relevant times, DOJMS was the employer of Defendants  
25 DOJMS DOES (DOES 4-6) and DOJMS DOE SUPERVISORS (DOES 7-8).

26           14. At all relevant times, Defendant Las Vegas Metropolitan Police  
27 Department (“LVMPD”) is and was a duly organized public entity, form unknown,  
28 existing under the laws of the State of Nevada. Defendant LVMPD is a chartered

1 subdivision of the State of Nevada with the capacity to be sued. At all relevant  
2 times, Defendant LVMPD was responsible for assuring that the actions, omissions,  
3 policies, procedures, practices, and customs of the LVMPD and its employees and  
4 agents complied with the laws of the United States and of the State of Nevada. At  
5 all relevant times, LVMPD was the employer of Defendants LVMPD DOE  
6 OFFICERS (DOES 1-3) and LVMPD DOE SUPERVISORS (DOES 9-10).

7 15. Defendants DOES 1-3 (“LVMPD DOE OFFICERS”) are sergeants or  
8 police officers for the LVMPD. At all relevant times, LVMPD DOE OFFICERS  
9 were acting under color of law within the course and scope of their duties as  
10 sergeants or police officers for the LVMPD. At all relevant times, LVMPD DOE  
11 OFFICERS were acting with the complete authority and ratification of their  
12 principal, Defendant LVMPD. LVMPD DOE OFFICERS are sued individually.

13 16. In doing the acts and failing and omitting to act as hereinafter  
14 described, Defendants LVMPD DOE OFFICERS were acting on the implied and  
15 actual permission and consent of Defendants LVMPD and LVMPD DOE  
16 SUPERVISORS (DOES 9-10).

17 17. Defendants DOES 4 – 6 (“DOJMS DOE DEPUTIES”) are deputies for  
18 the DOJMS. At all relevant times, DOJMS DOE DEPUTIES were acting under  
19 color of law within the course and scope of their duties as deputies for the DOJMS.  
20 At all relevant times, DOJMS DOE DEPUTIES were acting with the complete  
21 authority and ratification of their principal, Defendant DOJMS. DOJMS DOE  
22 DEPUTIES are sued individually.

23 18. In doing the acts and failing and omitting to act as hereinafter  
24 described, Defendants DOJMS DOE DEPUTIES were acting on the implied and  
25 actual permission and consent of Defendants DOJMS and DOJMS DOE  
26 SUPERVISORS (DOES 9-10).

27 19. Defendants DOES 7 – 8 (“DOJMS DOE SUPERVISORS”) are  
28 managerial, supervisory, and policymaking employees for the DOJMS. At all

1 relevant times, DOJMS DOE SUPERVISORS were acting under color of law within  
2 the course and scope of their duties as managerial, supervisory, and policymaking  
3 employees for the DOJMS. At all relevant times, DOJMS DOE SUPERVISORS  
4 were acting with the complete authority and ratification of their principal, Defendant  
5 DOJMS.

6 20. Defendants DOES 9 – 10 (“LVMPD SUPERVISORIAL DOES”) are  
7 managerial, supervisory, and policymaking employees for the LVMPD who were  
8 acting under color of law within the course and scope of their duties as managerial,  
9 supervisory, and policymaking employees for the LVMPD. LVMPD  
10 SUPERVISORIAL DOES were acting with the complete authority and ratification  
11 of their principal, Defendant LVMPD. At all relevant times, LVMPD was the  
12 employer of Defendants LVMPD SUPERVISORIAL DOES.

13 21. The true names and capacities, whether individual, corporate,  
14 association or otherwise of Defendants DOES 1-10, inclusive, are unknown to  
15 Plaintiffs, who otherwise sue these Defendants by such fictitious names. Plaintiffs  
16 will seek leave to amend this complaint to show the true names and capacity of  
17 these Defendants when they have been ascertained. Each of the fictitiously-named  
18 Defendants is responsible in some manner for the conduct or liabilities alleged  
19 herein.

20 22. At all times mentioned herein, each and every DOJMS Defendant was  
21 the agent of each and every other DOJMS Defendant and had the legal duty to  
22 oversee and supervise the hiring, conduct, and employment of each and every  
23 DOJMS Defendant.

24 23. At all times mentioned herein, each and every LVMPD Defendant was  
25 the agent of each and every other LVMPD Defendant and had the legal duty to  
26 oversee and supervise the hiring, conduct, and employment of each and every  
27 LVMPD Defendant.

28

1           24. All of the acts complained of herein by Plaintiffs against Defendants  
2 were done and performed by said Defendants by and through their authorized  
3 agents, servants, and/or employees, all of whom at all relevant times herein were  
4 acting within the course, purpose, and scope of said agency, service, and/or  
5 employment capacity. Moreover, Defendants and their agents ratified all of the acts  
6 complained of herein.

7           25. DECEDENT died as a direct and proximate result of the actions of  
8 Defendants BOHANON, WALFORD, LVMPD DOE OFFICERS, and DOJMS  
9 DOE DEPUTIES. Defendants BOHANON, WALFORD, LVMPD DOE  
10 OFFICERS, and DOJMS DOE DEPUTIES are directly liable for Plaintiffs' and  
11 DECEDENT's injuries under state and federal law pursuant to 42 U.S.C. § 1983, the  
12 Federal Tort Claims Act, *Bivens v. Six Unknown Named Agents*, 403 U.S. 388  
13 (1971), and the Nevada Revised Statutes.

14           26. Defendants LVMPD, DOJMS, LVMPD DOE SUPERVISORS, and  
15 DOJMS DOE SUPERVISORS are vicariously liable for Plaintiffs' and  
16 DECEDENT's injuries under Nevada law and under the doctrine of *respondeat*  
17 *superior* because their employees and agents caused DECEDENT's death and  
18 Plaintiffs' injuries.

19           27. Defendants LVMPD and LVMPD DOE SUPERVISORS are also  
20 directly liable for Plaintiffs' and DECEDENT's injuries for municipal liability under  
21 *Monell v. Social Services of New York*, 436 U.S. 658 (1978) and its progeny.

22           28. Defendants DOJMS and DOJMS DOE SUPERVISORS are also  
23 directly liable for Plaintiffs' and DECEDENT's injuries for supervisory liability  
24 under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971) and its progeny.

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1 **JURISDICTION AND VENUE**

2 29. This civil action is brought for the redress of alleged deprivations of  
3 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
4 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction  
5 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

6 30. Venue is proper in this Court under 28 U.S.C. § 1391(b) because all  
7 incidents, events, and occurrences giving rise to this action occurred in the City of  
8 Las Vegas, Nevada.

9  
10 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

11 31. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
12 through 30 of this Complaint with the same force and effect as if fully set forth  
13 herein.

14 32. On December 31, 2015, at approximately 2:00 p.m. on that date, at or  
15 around 8335 Gilden Crown Court in Las Vegas, Nevada, DECEDENT sustained  
16 injuries, including but not limited to pain and suffering, loss of enjoyment of life,  
17 and death when he was shot by Defendants BOHANON and WALFORD and  
18 thereafter Defendant LEDOGAR released a police dog upon him. DOJMS DOE  
19 DEPUTIES and LVMPD DOE OFFICERS inclusive, integrally participated in or  
20 failed to intervene in the shooting.

21 33. Prior to BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
22 OFFICERS' arrival at the scene, DOJMS DOE DEPUTIES erroneously provided  
23 false information to LVMPD that DECEDENT was wanted for attempted murder.  
24 DECEDENT was not wanted for attempted murder.

25 34. DECEDENT was unarmed at all relevant times. DECEDENT was not  
26 holding a weapon or anything that looked like a weapon. The only thing  
27 DECEDENT had in his hand at the time of or immediately prior to the shooting was  
28 his cell phone. Defendants BOHANON and WALFORD opened fire even though



1 DECEDENT was unarmed and even though there were residences in the  
2 background.

3 35. Upon information and belief, after being shot, DECEDENT was  
4 immobile, bleeding profusely, and in obvious and critical need of emergency  
5 medical care and treatment. Despite DECEDENT's physical state, Defendant  
6 LEDOGAR released a police dog upon DECEDENT. Defendants did not timely  
7 summon medical care or permit medical personnel to treat DECEDENT. The delay  
8 of medical care to DECEDENT caused DECEDENT extreme physical and  
9 emotional pain and suffering, and was a contributing cause of DECEDENT's death.

10 36. The use of deadly force against DECEDENT was excessive and  
11 objectively unreasonable under the circumstances, especially because DECEDENT  
12 did not pose an immediate threat of death or serious bodily injury to anyone at the  
13 time of the shooting and was unarmed at all relevant times. The shooting was done  
14 with a purpose to harm unrelated to any legitimate law enforcement objective and  
15 demonstrated a deliberate indifference to the health and safety of the DECEDENT.

16 37. Plaintiffs were dependent on DECEDENT, including financially  
17 dependent, to some extent, for the necessities of life.

18 38. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
19 A.S., by and through her guardian *ad litem* Araceli Saenz, and K.C., by and through  
20 her guardian *ad litem* Amber Neubert, are DECEDENT's successors in interest and  
21 succeed to DECEDENT's interest in this action as the biological children of  
22 DECEDENT.

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**FIRST CLAIM FOR RELIEF**

**Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

(By Plaintiffs LAWRENCE as administrator of the ESTATE OF KEITH CHILDRESS, JR., K.C., A.S., and K.C. against Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS)

39. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 37 of this Complaint with the same force and effect as if fully set forth herein.

40. Defendants BOHANON’S and WALFORD’S unjustified shooting and LEDOGAR’S release of a police dog on DECEDENT after the shooting deprived DECEDENT of his right to be secure in his person against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

41. Defendants LVMPD DOE OFFICERS integrally participated or failed to intervene.

42. The shooting was excessive and unreasonable, especially because DECEDENT posed no immediate threat of death or serious bodily injury at the time of the shooting and was unarmed at all relevant times.

43. The release of the police dog on DECEDENT after the shooting was excessive and unreasonable, especially because DECEDENT had been shot, was immobile, was bleeding profusely on the ground, and posed no immediate threat of serious harm or bodily injury at the time the police dog was released.

44. As a result of the excessive force, DECEDENT suffered extreme pain and suffering and eventually suffered a loss of life and of earning capacity.

45. Defendants’ shooting of DECEDENT violated their training.

46. As a result of their misconduct, Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS, each are liable for DECEDENT’S and Plaintiffs’ injuries, either because they were integral participants in the shooting or

1 because they failed to intervene to prevent these violations.

2 47. The conduct of Defendants BOHANON, WALFORD, LEDOGAR,  
3 LVMPD DOE OFFICERS was willful, wanton, malicious, and done with reckless  
4 disregard for the rights and safety of DECEDENT and therefore warrants the  
5 imposition of exemplary and punitive damages as to individual Defendants  
6 BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS.

7 48. Plaintiffs K.C., by and through her guardian *ad litem* Carolina  
8 Navarro, A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and  
9 through her guardian *ad litem* Amber Neubert, and LAWRENCE as the pending  
10 administrator of the ESTATE OF KEITH CHILDRESS, JR., bring this claim as  
11 successors in interest to DECEDENT and seek both survival and wrongful death  
12 damages under this claim, including pain and suffering and loss of enjoyment of  
13 life. Plaintiffs also claim funeral and burial expenses, loss of financial support, and  
14 attorneys' fees under this claim.

15  
16 **SECOND CLAIM FOR RELIEF**

17 **Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

18 (By Plaintiffs LAWRENCE as administrator of the ESTATE OF KEITH  
19 CHILDRESS, JR., K.C., A.S., and K.C. against Defendants BOHANON,  
20 WALFORD, LEDOGAR, and LVMPD DOE OFFICERS)

21 49. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
22 through 46 of this Complaint with the same force and effect as if fully set forth  
23 herein.

24 50. The denial of medical care by Defendants BOHANON, WALFORD,  
25 LEDOGAR, and LVMPD DOE OFFICERS deprived DECEDENT of his right to be  
26 secure in his person against unreasonable searches and seizures as guaranteed to  
27 DECEDENT under the Fourth Amendment to the United States Constitution and  
28 applied to state actors by the Fourteenth Amendment.

1           51. As a result, DECEDENT suffered extreme pain and suffering and  
2 eventually suffered a loss of life and earning capacity.

3           52. Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
4 OFFICERS knew that failure to provide timely medical treatment to DECEDENT  
5 could result in further significant injury or the unnecessary and wanton infliction of  
6 pain, but disregarded that serious medical need, causing DECEDENT great bodily  
7 harm and death.

8           53. Defendants' failure to timely provide medical treatment to  
9 DECEDENT was a violation of their training.

10           54. As a result of their misconduct, Defendants BOHANON, WALFORD,  
11 LEDOGAR, and LVMPD DOE OFFICERS each are liable for DECEDENT's and  
12 Plaintiffs' injuries, either because they were integral participants in the shooting or  
13 because they failed to intervene to prevent these violations.

14           55. The conduct of Defendants BOHANON, WALFORD, LEDOGAR, and  
15 LVMPD DOE OFFICERS was willful, wanton, malicious, and done with reckless  
16 disregard for the rights and safety of DECEDENT and therefore warrants the  
17 imposition of exemplary and punitive damages as to individual Defendants  
18 BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS.

19           56. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
20 A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and through her  
21 guardian *ad litem* Amber Neubert, and LAWRENCE as the pending administrator of  
22 the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in  
23 interest to DECEDENT and seek both survival and wrongful death damages under  
24 this claim, including pain and suffering and loss of enjoyment of life. Plaintiffs also  
25 claim funeral and burial expenses, loss of financial support, and attorneys' fees  
26 under this claim.

27  
28

**THIRD CLAIM FOR RELIEF**

**Substantive Due Process (42 U.S.C. § 1983)**

(By all Plaintiffs against Defendants BOHANON, WALFORD, LEDOGAR, and  
LVMPD DOE OFFICERS)

57. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 54 of this Complaint with the same force and effect as if fully set forth herein.

58. DECEDENT had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive him of life, liberty, or property in such a manner as to shock the conscience. DECEDENT brings this claim through Plaintiff LAWRENCE as administrator of the ESTATE OF KEITH CHILDRESS, JR.

59. Plaintiff K.C., by and through her guardian *ad litem* Carolina Navarro, had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive her of life, liberty, or property in such a manner as to shock the conscience, including but not limited to unwarranted state interference in her familial relationship with her father, DECEDENT.

60. Plaintiff A.S. had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive her of life, liberty, or property in such a manner as to shock the conscience, including but not limited to unwarranted state interference in her familial relationship with her father, DECEDENT.

61. Plaintiff K.C., by and through her guardian *ad litem* Amber Neubert, had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive him of life, liberty, or property in such a manner as to shock the conscience,

1 including but not limited to unwarranted state interference in his familial  
2 relationship with her father, DECEDENT.

3         62. Plaintiff LAWRENCE had a cognizable interest under the Due Process  
4 Clause of the Fourteenth Amendment of the United States Constitution to be free  
5 from state actions that deprive her of life, liberty, or property in such a manner as to  
6 shock the conscience, including but not limited to unwarranted state interference in  
7 her familial relationship with her son, DECEDENT.

8         63. Plaintiff CHILDRESS had a cognizable interest under the Due Process  
9 Clause of the Fourteenth Amendment of the United States Constitution to be free  
10 from state actions that deprive him of life, liberty, or property in such a manner as to  
11 shock the conscience, including but not limited to unwarranted state interference in  
12 his familial relationship with his son, DECEDENT.

13         64. The aforementioned actions of BOHANON, WALFORD, LEDOGAR,  
14 and LVMPD DOE OFFICERS, along with other undiscovered conduct, shock the  
15 conscience, in that they acted with deliberate indifference to the constitutional rights  
16 of DECEDENT and Plaintiffs, and with purpose to harm unrelated to any legitimate  
17 law enforcement objective.

18         65. As a direct and proximate cause of the acts of BOHANON,  
19 WALFORD, LEDOGAR, and LVMPD DOE OFFICERS, DECEDENT  
20 experienced severe pain and suffering and lost his life and earning capacity.

21         66. BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS  
22 thus violated the substantive due process rights of Plaintiffs to be free from  
23 unwarranted interference with their familial relationship with DECEDENT.

24         67. Plaintiffs have suffered extreme and severe mental anguish and pain  
25 and have been injured in mind and body. Plaintiffs have also been deprived of the  
26 life-long love, companionship, comfort, support, society, care, and sustenance of  
27 DECEDENT, and will continue to be so deprived for the remainder of their natural  
28 lives.



1           75. The acts of Defendants BOHANON, WALFORD, LEDOGAR, and  
2 LVMPD DOE OFFICERS deprived DECEDENT and Plaintiffs of their particular  
3 rights under the United States Constitution.

4           76. Upon information and belief, a final policymaker, acting under color of  
5 law, who had final policymaking authority concerning the acts of Defendants  
6 BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS, ratified (or  
7 will ratify) Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
8 OFFICERS' acts and the bases for them. Upon information and belief, the final  
9 policymaker knew of and specifically approved of (or will specifically approve of)  
10 Defendants BOHANON'S, WALFORD'S, LEDOGAR'S, and LVMPD DOE  
11 OFFICERS' acts.

12           77. Upon information and belief, a final policymaker has determined (or  
13 will determine) that the acts of Defendants BOHANON, WALFORD, LEDOGAR,  
14 and LVMPD DOE OFFICERS were "within policy."

15           78. On information and belief, Defendants BOHANON, WALFORD,  
16 LEDOGAR, and LVMPD DOE OFFICERS were not disciplined, reprimanded,  
17 retrained, suspended, or otherwise penalized in connection with DECEDENT'S  
18 death.

19           79. By reason of the aforementioned acts and omissions, Plaintiffs have  
20 suffered loss of the love, companionship, affection, comfort, care, society, training,  
21 guidance, and past and future support of DECEDENT. The aforementioned acts and  
22 omissions also caused DECEDENT'S pain and suffering, loss of enjoyment of life,  
23 and death.

24           80. Accordingly, Defendants LVMPD and LVMPD DOE SUPERVISORS  
25 each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

26           81. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
27 A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and through her  
28 guardian *ad litem* Amber Neubert, and LAWRENCE as the pending administrator of



1 the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in  
2 interest to DECEDENT and seek both survival and wrongful death damages under  
3 this claim, including pain and suffering and loss of enjoyment of life. Plaintiffs also  
4 claim funeral and burial expenses, loss of financial support, and attorneys' fees  
5 under this claim.

6  
7 **FIFTH CLAIM FOR RELIEF**

8 **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

9 (By Plaintiffs LAWRENCE as administrator of the ESTATE OF KEITH  
10 CHILDRESS, JR., K.C., A.S., and K.C. against Defendants LVMPD and LVMPD  
11 DOE SUPERVISORS)

12 82. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
13 through 79 of their Complaint with the same force and effect as if fully set forth  
14 herein.

15 83. Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
16 OFFICERS acted under color of law.

17 84. The acts of Defendants BOHANON, WALFORD, LEDOGAR, and  
18 LVMPD DOE OFFICERS deprived DECEDENT and Plaintiffs of their particular  
19 rights under the United States Constitution.

20 85. The training policies of Defendant CITY were not adequate to train its  
21 deputies to handle the usual and recurring situations with which they must deal.

22 86. Defendant CITY was deliberately indifferent to the obvious  
23 consequences of its failure to train its officers adequately.

24 87. The failure of Defendant CITY to provide adequate training caused the  
25 deprivation of Plaintiffs' rights by Defendants BOHANON, WALFORD,  
26 LEDOGAR, and LVMPD DOE OFFICERS; that is, the LVMPD'S failure to train is  
27 so closely related to the deprivation of the Plaintiffs' rights as to be the moving  
28 force that caused the ultimate injury.

1 88. By reason of the aforementioned acts and omissions, Plaintiffs have  
2 suffered loss of the love, companionship, affection, comfort, care, society, training,  
3 guidance, and past and future support of DECEDENT. The aforementioned acts and  
4 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,  
5 and death.

6 89. Accordingly, Defendants LVMPD and LVMPD DOE SUPERVISORS  
7 each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

8 90. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
9 A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and through her  
10 guardian *ad litem* Amber Neubert, and LAWRENCE as the pending administrator of  
11 the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in  
12 interest to DECEDENT and seek both survival and wrongful death damages under  
13 this claim, including pain and suffering and loss of enjoyment of life. Plaintiffs also  
14 claim funeral and burial expenses, loss of financial support, and attorneys' fees  
15 under this claim.

16  
17 **SIXTH CLAIM FOR RELIEF**

18 **Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

19 (By Plaintiffs LAWRENCE as administrator of the ESTATE OF KEITH  
20 CHILDRESS, JR., K.C., A.S., and K.C. against Defendants LVMPD and LVMPD  
21 DOE SUPERVISORS)

22 91. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
23 through 88 of their Complaint with the same force and effect as if fully set forth  
24 herein.

25 92. Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
26 OFFICERS acted under color of law.

1 93. Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD DOE  
2 OFFICERS acted pursuant to an expressly adopted official policy or a longstanding  
3 practice or custom of the Defendant LVMPD.

4 94. On information and belief, Defendants BOHANON, WALFORD,  
5 LEDOGAR, and LVMPD DOE OFFICERS were not disciplined, reprimanded,  
6 retrained, suspended, or otherwise penalized in connection with DECEDENT's  
7 death.

8 95. Defendants LVMPD, BOHANON, WALFORD, LEDOGAR, and  
9 LVMPD DOE OFFICERS, together with other LVMPD policymakers and  
10 supervisors, maintained, inter alia, the following unconstitutional customs, practices,  
11 and policies:

- 12 (a) Using excessive force, including excessive deadly force;
- 13 (b) Providing inadequate training regarding the use of deadly force;
- 14 (c) Employing and retaining as police officers individuals such as  
15 Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD  
16 DOE OFFICERS, whom Defendant LVMPD at all times  
17 material herein knew or reasonably should have known had  
18 dangerous propensities for abusing their authority and for using  
19 excessive force;
- 20 (d) Inadequately supervising, training, controlling, assigning, and  
21 disciplining LVMPD deputies and other personnel, including  
22 Defendants BOHANON, WALFORD, LEDOGAR, and LVMPD  
23 DOE OFFICERS, whom Defendant LVMPD knew or in the  
24 exercise of reasonable care should have known had the  
25 aforementioned propensities and character traits;
- 26 (e) Maintaining grossly inadequate procedures for reporting,  
27 supervising, investigating, reviewing, disciplining and  
28 controlling misconduct by LVMPD officers;

- 1 (f) Failing to adequately discipline LVMPD officers for the above-  
2 referenced categories of misconduct, including “slaps on the  
3 wrist,” discipline that is so slight as to be out of proportion to the  
4 magnitude of the misconduct, and other inadequate discipline  
5 that is tantamount to encouraging misconduct;
- 6 (g) Announcing that unjustified shootings are “within policy,”  
7 including shootings that were later determined in court to be  
8 unconstitutional;
- 9 (h) Even where shootings are determined in court to be  
10 unconstitutional, refusing to discipline, terminate, or retrain the  
11 officers involved;
- 12 (i) Encouraging, accommodating, or facilitating a “blue code of  
13 silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,”  
14 or simply “code of silence,” pursuant to which police officers do  
15 not report other officers’ errors, misconduct, or crimes. Pursuant  
16 to this code of silence, if questioned about an incident of  
17 misconduct involving another officer, while following the code,  
18 the officer being questioned will claim ignorance of the other  
19 officers’ wrongdoing; and
- 20 (j) Maintaining a policy of inaction and an attitude of indifference  
21 towards soaring numbers of police shootings, including by  
22 failing to discipline, retrain, investigate, terminate, and  
23 recommend officers for criminal prosecution who participate in  
24 shootings of unarmed people.

25 96. By reason of the aforementioned acts and omissions, Plaintiffs have  
26 suffered loss of the love, companionship, affection, comfort, care, society, training,  
27 guidance, and past and future support of DECEDENT. The aforementioned acts and  
28

1 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,  
2 and death.

3 97. Defendants LVMPD and LVMPD DOE SUPERVISORS, together with  
4 various other officials, whether named or unnamed, had either actual or constructive  
5 knowledge of the deficient policies, practices and customs alleged in the paragraphs  
6 above. Despite having knowledge as stated above, these defendants condoned,  
7 tolerated and through actions and inactions thereby ratified such policies. Said  
8 defendants also acted with deliberate indifference to the foreseeable effects and  
9 consequences of these policies with respect to the constitutional rights of  
10 DECEDENT, Plaintiffs, and other individuals similarly situated.

11 98. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
12 conduct and other wrongful acts, LVMPD DOE SUPERVISORS acted with  
13 intentional, reckless, and callous disregard for the life of DECEDENT and for  
14 DECEDENT's and Plaintiffs' constitutional rights. Furthermore, the policies,  
15 practices, and customs implemented, maintained, and still tolerated by Defendants  
16 LVMPD and LVMPD DOE SUPERVISORS were affirmatively linked to and were  
17 a significantly influential force behind the injuries of DECEDENT and Plaintiffs.

18 99. Accordingly, Defendants LVMPD and LVMPD DOE SUPERVISORS  
19 each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

20 100. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
21 A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and through her  
22 guardian *ad litem* Amber Neubert, and LAWRENCE as the pending administrator of  
23 the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in  
24 interest to DECEDENT and seek both survival and wrongful death damages under  
25 this claim, including pain and suffering and loss of enjoyment of life. Plaintiffs also  
26 claim funeral and burial expenses, loss of financial support, and attorneys' fees  
27 under this claim.

28

1 **SEVENTH CLAIM FOR RELIEF**

2 **Battery (wrongful death)**

3 (By all Plaintiffs against Defendants LVMPD, BOHANON, WALFORD,  
4 LEDOGAR, and LVMPD DOE OFFICERS)

5 101. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
6 through 98 of this Complaint with the same force and effect as if fully set forth  
7 herein.

8 102. Defendants BOHANON, WALFORD, and LEDOGAR, while working  
9 as sergeants, officers, agents and/or deputies for the LVMPD and acting within the  
10 course and scope of their duties, intentionally shot DECEDENT multiple times and  
11 released a police dog on DECEDENT after he was shot. LVMPD DOE OFFICERS  
12 also while working as sergeants, officers, agents and/or deputies for the LVMPD  
13 and acting within the course and scope of their duties, integrally participated or  
14 failed to intervene in the shooting.

15 103. As a result of the actions of BOHANON, WALFORD, LEDOGAR,  
16 and LVMPD DOE OFFICERS, DECEDENT suffered severe pain and suffering and  
17 ultimately died from his injuries and also lost his earning capacity. BOHANON,  
18 WALFORD, LEDOGAR, and LVMPD DOE OFFICERS had no legal justification  
19 for using deadly force against DECEDENT, and said Defendants' use of force while  
20 carrying out their duties as sergeants or officers for the LVMPD was an  
21 unreasonable use of force under the circumstances.

22 104. As a direct and proximate result of the conduct of BOHANON,  
23 WALFORD, LEDOGAR, and LVMPD DOE OFFICERS as alleged above,  
24 Plaintiffs and DECEDENT suffered extreme and severe mental anguish and pain  
25 and have been injured in mind and body.

26 105. The aforementioned wrongful acts, conduct, and use of excessive force  
27 were unconstitutional.

28

1           106. Defendant LVMPD is vicariously liable for the wrongful acts of  
2 BOHANON, WALFORD, LEDGOAR, and LVMPD DOE OFFICERS because  
3 under Nevada law, a public entity is liable for the injuries caused by its employees  
4 within the scope of the employment if the employee's act would subject him or her  
5 to liability.

6           107. The conduct of BOHANON, WALFORD, LEDOGAR, and LVMPD  
7 DOE OFFICERS was malicious, wanton, oppressive, and accomplished with a  
8 conscious disregard for the rights of Plaintiffs and DECEDENT, entitling Plaintiffs,  
9 in each case individually and as a successor-in-interest to DECEDENT, to an award  
10 of exemplary and punitive damages as to BOHANON, WALFORD, LEDOGAR,  
11 and LVMPD DOE OFFICERS.

12           108. Plaintiffs LAWRENCE and CHILDRESS bring this claim individually  
13 and seek both survival and wrongful death damages under this claim based on their  
14 financial dependency on DECEDENT.

15           109. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
16 A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and through her  
17 guardian *ad litem* Amber Neubert, and LAWRENCE as the pending administrator of  
18 the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in  
19 interest to DECEDENT and seek both survival and wrongful death damages under  
20 this claim, including pain and suffering and loss of enjoyment of life. Plaintiffs also  
21 claim funeral and burial expenses, loss of financial support, and attorneys' fees  
22 under this claim.

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**EIGHTH CLAIM FOR RELIEF**

**Negligence (wrongful death)**

(By all Plaintiffs against Defendants LVMPD, BOHANON, WALFORD,  
LEDOGAR, and LVMPD DOE OFFICERS)

110. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 106 of this Complaint with the same force and effect as if fully set forth herein.

111. The actions and inactions of Defendants were negligent and reckless, including but not limited to:

- (a) the failure to properly and adequately assess the need to detain, arrest, and use force or deadly force against DECEDENT;
- (b) the negligent tactics and handling of the situation with DECEDENT, including pre-shooting negligence;
- (c) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;
- (d) the failure to provide prompt medical care to DECEDENT;
- (e) the failure to properly train and supervise employees, both professional and non-professional, including BOHANON, WALFORD, LEDOGAR, and LVMPD DOE OFFICERS;
- (f) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT.

112. As a direct and proximate result of Defendants' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT was caused to suffer severe pain and suffering and ultimately died and lost earning capacity. Also as a direct and proximate result of Defendants' conduct as alleged above, Plaintiffs suffered extreme and severe mental anguish and pain and have been injured in mind and body. Plaintiffs also have been deprived of the life-long love, companionship,



1 comfort, support, society, care and sustenance of DECEDENT, and will continue to  
2 be so deprived for the remainder of their natural lives.

3 113. The aforementioned wrongful acts, conduct, and use of excessive force  
4 were unconstitutional.

5 114. The LVMPD is vicariously liable for the wrongful acts of LVMPD  
6 DOE OFFICERS because a public entity is liable for the injuries caused by its  
7 employees within the scope of the employment if the employee's act would subject  
8 him or her to liability.

9 115. Plaintiffs LAWRENCE and CHILDRESS bring this claim individually  
10 and seek both survival and wrongful death damages under this claim based on their  
11 financial dependency on DECEDENT.

12 116. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
13 A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and through her  
14 guardian *ad litem* Amber Neubert, and LAWRENCE as the pending administrator of  
15 the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in  
16 interest to DECEDENT and seek both survival and wrongful death damages under  
17 this claim, including pain and suffering and loss of enjoyment of life. Plaintiffs also  
18 claim funeral and burial expenses, loss of financial support, and attorneys' fees  
19 under this claim.

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1 **NINTH CLAIM FOR RELIEF**

2 **Wrongful Death**

3 **(Federal Tort Claims Act—28 U.S.C. §1346(b))**

4 (By all Plaintiffs against Defendants DOJMS DOE DEPUTIES; DOJMS  
5 DOE SUPERVISORS; and DOJMS)

6 117. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
7 through 112 of this Complaint with the same force and effect as if fully set forth  
8 herein.

9 118. DOJMS DOE DEPUTIES, while working as deputies for the DOJMS  
10 and acting within the course and scope of their duties, integrally participated or  
11 failed to intervene in the unlawful and unjustified shooting of DECEDENT.

12 119. As a result of the actions and inactions of DOJMS DOE DEPUTIES,  
13 DECEDENT suffered severe pain and suffering and ultimately died from his  
14 injuries and also lost his earning capacity.

15 120. As a direct and proximate result of the conduct of DOJMS DOE  
16 DEPUTIES as alleged above, Plaintiffs have suffered loss of the love,  
17 companionship, affection, comfort, care, society, training, guidance, and past and  
18 future support of DECEDENT. The aforementioned acts and omissions also caused  
19 DECEDENT's pain and suffering, loss of enjoyment of life, and death.

20 121. Plaintiffs LAWRENCE and CHILDRESS bring this claim individually  
21 and seek both survival and wrongful death damages under this claim based on their  
22 financial dependency on DECEDENT.

23 122. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
24 A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and through her  
25 guardian *ad litem* Amber Neubert, and LAWRENCE as the pending administrator of  
26 the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in  
27 interest to DECEDENT and seek both survival and wrongful death damages under  
28 this claim, including pain and suffering and loss of enjoyment of life. Plaintiffs also

1 claim funeral and burial expenses, loss of financial support, and attorneys' fees  
2 under this claim.

3  
4 **TENTH CLAIM FOR RELIEF**

5 **Supervisory Liability**

6 **(*Bivens* Action)**

7 (By Plaintiffs LAWRENCE as administrator of the ESTATE OF KEITH  
8 CHILDRESS, JR., K.C., A.S., and K.C. against Defendants DOJMS and  
9 DOJMS DOE SUPERVISORS)

10 123. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
11 through 118 of this Complaint with the same force and effect as if fully set forth  
12 herein.

13 124. DOJMS DOE DEPUTIES integrally participated or failed to intervene  
14 in the shooting of DECEDENT, thereby violating DECEDENT's right to be free  
15 from unreasonable searches and seizures, excessive force, and conscience-shocking  
16 behavior pursuant to the Fourth and Fourteenth Amendments to the United States  
17 Constitution.

18 125. On information and belief, Defendants DOJMS DOE DEPUTIES'  
19 participation in the unjustified shooting of DECEDENT was found to be within  
20 DOJMS policy.

21 126. On information and belief, Defendants DOJMS DOE DEPUTIES'  
22 participation in the unjustified shooting of DECEDENT was ratified by DOJMS  
23 DOE SUPERVISORS.

24 127. On information and belief, DOJMS DOE DEPUTIES were not  
25 disciplined for their participation in the unjustified shooting DECEDENT.

26 128. On and for some time prior to December 31, 2015 (and continuing to  
27 the present date), Defendants DOJMS, DOJMS DOE DEPUTIES, and DOJMS  
28 SUPERVISORIAL DOES, acting with gross negligence and with reckless and

1 deliberate indifference to the rights and liberties of the public in general, and of  
2 Plaintiffs and DECEDENT, and of persons in their class, situation and comparable  
3 position in particular, knowingly maintained, enforced and applied an official  
4 recognized custom, policy, and practice of:

- 5 (a) Employing and retaining as federal deputies and other personnel,  
6 including DOJMS DOE DEPUTIES, whom Defendants DOJMS  
7 and DOJMS DOE SUPERVISORS at all times material herein  
8 knew or reasonably should have known had propensities for  
9 providing erroneous or false information, and dangerous  
10 propensities for abusing their authority and for mistreating  
11 citizens by failing to follow written DOJMS policies;
- 12 (b) Of inadequately supervising, training, controlling, assigning, and  
13 disciplining DOJMS deputies and other personnel, including  
14 DOJMS DOE DEPUTIES, whom Defendants DOJMS and  
15 DOJMS DOE SUPERVISORS knew or in the exercise of  
16 reasonable care should have known had the aforementioned  
17 propensities and character traits;
- 18 (c) By maintaining grossly inadequate procedures for reporting,  
19 supervising, investigating, reviewing, disciplining and  
20 controlling the negligent or intentional misconduct by  
21 Defendants DOJMS DOE DEPUTIES, who are deputies and/or  
22 agents of DOJMS;
- 23 (d) By failing to discipline DOJMS deputies and/or agents for  
24 negligent or intentional misconduct;
- 25 (e) By ratifying the negligent or intentional misconduct of DOJMS  
26 DOE DEPUTIES and other DOJMS deputies and/ or agents with  
27 respect to the use of deadly force;
- 28

1 (f) By having and maintaining an unconstitutional policy, custom,  
2 and practice of reporting erroneous and/or false information,  
3 which also is demonstrated by inadequate training regarding  
4 these subjects. The policies, customs, and practices of  
5 Defendants DOJMS and DOJMS DOE SUPERVISORS were  
6 maintained with a deliberate indifference to individuals' safety  
7 and rights; and

8 (g) By failing to properly investigate claims of erroneous or false  
9 reporting by DOJMS deputies.

10 129. By reason of the aforementioned policies and practices of Defendants  
11 DOJMS DOE DEPUTIES, DOJMS, and DOJMS DOE SUPERVISORS,  
12 DECEDENT was severely injured and subjected to pain and suffering and lost his  
13 life.

14 130. Defendants DOJMS and DOJMS DOE SUPERVISORS, together with  
15 various other officials, whether named or unnamed, had either actual or constructive  
16 knowledge of the deficient policies, practices and customs alleged in the paragraphs  
17 above. Despite having knowledge as stated above, these defendants condoned,  
18 tolerated and through actions and inactions thereby ratified such policies. Said  
19 defendants also acted with deliberate indifference to the foreseeable effects and  
20 consequences of these policies with respect to the constitutional rights of  
21 DECEDENT, Plaintiffs, and other individuals similarly situated.

22 131. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
23 conduct and other wrongful acts, Defendants DOJMS DOE DEPUTIES, DOJMS  
24 DOE SUPERVISORS acted with intentional, reckless, and callous disregard for the  
25 life of DECEDENT and for DECEDENT's and Plaintiffs' constitutional rights.  
26 Furthermore, the policies, practices, and customs implemented, maintained, and still  
27 tolerated by Defendants DOJMS and DOJMS DOE SUPERVISORS were  
28

1 affirmatively linked to and were a significantly influential force behind the injuries  
2 of DECEDENT and Plaintiffs.

3 132. The actions of each of Defendants DOJMS DOE DEPUTIES and  
4 DOJMS DOE SUPERVISORS were willful, wanton, oppressive, malicious,  
5 fraudulent, and extremely offensive and unconscionable to any person of normal  
6 sensibilities, and therefore warrants the imposition of exemplary and punitive  
7 damages as to Defendants DOJMS DOE SUPERVISORS.

8 133. By reason of the aforementioned acts and omissions of Defendants,  
9 Plaintiffs were caused to incur funeral and burial expenses, loss of financial support,  
10 loss of love, companionship, affection, comfort, care, society, and future support.

11 134. Accordingly, Defendants DOJMS and DOJMS DOE SUPERVISORS  
12 each are liable to Plaintiffs for compensatory damages under *Bivens v. Six Unknown*  
13 *Agents*, 403 U.S. 388 (1971).

14 135. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
15 A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and through her  
16 guardian *ad litem* Amber Neubert, and LAWRENCE as the pending administrator of  
17 the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in  
18 interest to DECEDENT and seek both survival and wrongful death damages under  
19 this claim, including pain and suffering and loss of enjoyment of life. Plaintiffs also  
20 claim funeral and burial expenses, loss of financial support, and attorneys' fees  
21 under this claim.

22  
23 **ELEVENTH CLAIM FOR RELIEF**

24 **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983) (*Bivens*)**

25 (By Plaintiffs LAWRENCE as administrator of the ESTATE OF KEITH  
26 CHILDRESS, K.C., A.S., and K.C. against Defendants DOJMS DOE DEPUTIES)

1 136. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
2 through 131 of this Complaint with the same force and effect as if fully set forth  
3 herein.

4 137. Defendants DOJMS DOE DEPUTIES integrally participated or failed  
5 to intervene in the shooting of DECEDENT. Defendants DOJMS DOE  
6 DEPUTIES' participation in the unjustified shooting deprived DECEDENT of his  
7 right to be secure in his person against unreasonable searches and seizures as  
8 guaranteed to DECEDENT under the Fourth Amendment to the United States  
9 Constitution and applied to state actors by the Fourteenth Amendment.

10 138. The shooting was excessive and unreasonable, especially because  
11 DECEDENT posed no immediate threat of death or serious bodily injury at the time  
12 of the shooting and was unarmed at all relevant times.

13 139. As a result of the shooting, DECEDENT suffered extreme pain and  
14 suffering and eventually suffered a loss of life and of earning capacity.

15 140. As a result of their misconduct, Defendants DOJMS DOE DEPUTIES  
16 each are liable for DECEDENT's and Plaintiffs' injuries, either because they were  
17 integral participants in the shooting or because they failed to intervene to prevent  
18 these violations.

19 141. The conduct of Defendants DOJMS DOE DEPUTIES was willful,  
20 wanton, malicious, and done with reckless disregard for the rights and safety of  
21 DECEDENT and therefore warrants the imposition of exemplary and punitive  
22 damages as to individual Defendants DOJMS DOE DEPUTIES.

23 142. Plaintiffs K.C., by and through her guardian *ad litem* Carolina  
24 Navarro, A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and  
25 through her guardian *ad litem* Amber Neubert, and LAWRENCE as the pending  
26 administrator of the ESTATE OF KEITH CHILDRESS, JR., bring this claim as  
27 successors in interest to DECEDENT and seek both survival and wrongful death  
28 damages under this claim, including pain and suffering and loss of enjoyment of

1 life. Plaintiffs also claim funeral and burial expenses, loss of financial support, and  
2 attorneys' fees under this claim.

3  
4 **THIRTEENTH CLAIM FOR RELIEF**

5 **Substantive Due Process (*Bivens*)**

6 **(By all Plaintiffs against Defendants DOJMS DOE DEPUTIES)**

7 143. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
8 through 147 of this Complaint with the same force and effect as if fully set forth  
9 herein.

10 144. DECEDENT had a cognizable interest under the Due Process Clause of  
11 the Fourteenth Amendment of the United States Constitution to be free from state  
12 actions that deprive him of life, liberty, or property in such a manner as to shock the  
13 conscience.

14 145. Plaintiff K.C., by and through her guardian *ad litem* Carolina Navarro,  
15 had a cognizable interest under the Due Process Clause of the Fourteenth  
16 Amendment of the United States Constitution to be free from state actions that  
17 deprive her of life, liberty, or property in such a manner as to shock the conscience,  
18 including but not limited to unwarranted state interference in her familial  
19 relationship with her father, DECEDENT.

20 146. Plaintiff A.S. had a cognizable interest under the Due Process Clause of  
21 the Fourteenth Amendment of the United States Constitution to be free from state  
22 actions that deprive her of life, liberty, or property in such a manner as to shock the  
23 conscience, including but not limited to unwarranted state interference in her  
24 familial relationship with her father, DECEDENT.

25 147. Plaintiff K.C., by and through her guardian *ad litem* Amber Neubert,  
26 had a cognizable interest under the Due Process Clause of the Fourteenth  
27 Amendment of the United States Constitution to be free from state actions that  
28 deprive her of life, liberty, or property in such a manner as to shock the conscience,



1 including but not limited to unwarranted state interference in his familial  
2 relationship with her father, DECEDENT.

3 148. Plaintiff LAWRENCE had a cognizable interest under the Due Process  
4 Clause of the Fourteenth Amendment of the United States Constitution to be free  
5 from state actions that deprive her of life, liberty, or property in such a manner as to  
6 shock the conscience, including but not limited to unwarranted state interference in  
7 her familial relationship with her son, DECEDENT.

8 149. Plaintiff CHILDRESS had a cognizable interest under the Due Process  
9 Clause of the Fourteenth Amendment of the United States Constitution to be free  
10 from state actions that deprive him of life, liberty, or property in such a manner as to  
11 shock the conscience, including but not limited to unwarranted state interference in  
12 his familial relationship with his son, DECEDENT.

13 150. The aforementioned actions of DOJMS DOE DEPUTIES, including  
14 but not limited to providing false information that DECEDENT was wanted for  
15 attempted murder, along with other undiscovered conduct, shock the conscience, in  
16 that they acted with deliberate indifference to the constitutional rights of  
17 DECEDENT and Plaintiffs, and with purpose to harm unrelated to any legitimate  
18 law enforcement objective.

19 151. As a direct and proximate cause of the acts of DOJMS DOE  
20 DEPUTIES, DECEDENT experienced severe pain and suffering and lost his life  
21 and earning capacity.

22 152. DOJMS DOE DEPUTIES thus violated the substantive due process  
23 rights of Plaintiffs to be free from unwarranted interference with their familial  
24 relationship with DECEDENT.

25 153. Plaintiffs have suffered extreme and severe mental anguish and pain  
26 and have been injured in mind and body. Plaintiffs have also been deprived of the  
27 life-long love, companionship, comfort, support, society, care, and sustenance of  
28

1 DECEDENT, and will continue to be so deprived for the remainder of their natural  
2 lives.

3 154. The conduct of DOJMS DOE DEPUTIES was willful, wanton,  
4 malicious, and done with reckless disregard for the rights and safety of DECEDENT  
5 and Plaintiffs and therefore warrants the imposition of exemplary and punitive  
6 damages as to DOJMS DOE DEPUTIES.

7 155. Plaintiffs LAWRENCE and CHILDRESS bring this claim individually  
8 and seek both survival and wrongful death damages under this claim based on their  
9 financial dependency on DECEDENT.

10 156. Plaintiffs K.C., by and through her guardian *ad litem* Carolina Navarro,  
11 A.S., by and through her guardian *ad litem* Araceli Saenz, K.C., by and through her  
12 guardian *ad litem* Amber Neubert, and LAWRENCE as the pending administrator of  
13 the ESTATE OF KEITH CHILDRESS, JR., bring this claim as successors in  
14 interest to DECEDENT and seek both survival and wrongful death damages under  
15 this claim, including pain and suffering and loss of enjoyment of life. Plaintiffs also  
16 claim funeral and burial expenses, loss of financial support, and attorneys' fees  
17 under this claim.

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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury.

DATED: December 30, 2016

LAW OFFICES OF DALE K. GALIPO  
LAW OFFICE OF PETER GOLDSTEIN

By \_\_\_\_\_ */s/ Peter Goldstein* \_\_\_\_\_  
Dale K. Galipo, Esq.  
Peter Goldstein, Esq.  
Attorneys for Plaintiffs