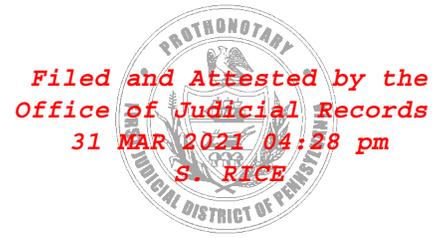


**LAW OFFICES OF SHAKA JOHNSON**

By: Shaka Johnson, Esquire  
ID No.: 210082

1333 Christian Street  
Philadelphia, PA 19146



**STAMPONE O'BRIEN DILSHEIMER, PC**

By: Kevin P. O'Brien, Esquire  
ID No.: 313081  
Prince Holloway, Esq.,  
ID No.: 209591

500 Cottman Avenue  
Cheltenham, PA 19012

Attorney for Plaintiff

DAVID BOGDAN, ESQ.  
Administrator of the Estate of Walter  
Wallace, Jr., Deceased  
100 S. Broad Street, Suite 1520  
Philadelphia, PA 19110

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

Vs.

P/O THOMAS MUNZ  
Philadelphia Police Department  
One Franklin Square  
Philadelphia, PA 19106

TERM

AND

P/O SEAN MATARAZZO  
Philadelphia Police Department  
One Franklin Square  
Philadelphia, PA 19106

No.:

**CIVIL ACTION COMPLAINT**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association  
Lawyer Referral  
and Information Service  
One Reading Center  
Philadelphia, PA 19107  
(215) 238-1701

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea a visado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede pere dinero o sus propiedades u otros derechos importantes para usted.

Lleva esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion de Licenciados  
de Filadelfia  
Servicio de Referencia e  
Informacion Legal  
One Reading Center  
Filadelfia, PA 19107  
(215) 238-1701

Case ID: 210303069

**LAW OFFICES OF SHAKA JOHNSON**

By: Shaka Johnson, Esquire  
ID No.: 210082

1333 Christian Street  
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**STAMPONE O'BRIEN DILSHEIMER, PC**

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ID No.: 209591

500 Cottman Avenue  
Cheltenham, PA 19012

Attorney for Plaintiff

---

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---

**CIVIL ACTION COMPLAINT**

**INTRODUCTION**

1. This is an action for monetary damages brought under Pennsylvania state law for the assault and battery and intentional infliction of emotional distress by Plaintiff against Defendants.

## PARTIES

2. Plaintiff, David Bogdan, Esq. Administrator of the Estate of Walter Wallace, Jr., at all times relevant to this Complaint, who is a business resident of the City and County of Philadelphia and Commonwealth of Pennsylvania who has been appointed as the legal representative of the Decedent's Estate. A copy of the Letters of Administration are attached hereto as **Exhibit "A"**.

3. Walter Wallace, Jr., Deceased was a resident of the City and County of Philadelphia with an address of 6140 Locust Street, Philadelphia, PA 19149 who died on October 26, 2020.

4. Defendant, Thomas Munz, at all times pertinent to this Complaint, was and is employed by the City of Philadelphia and the Philadelphia Police Department as a police officer, acting under the color of state law pursuant to official policy, custom or practice of the Philadelphia Police Department and/or the City of Philadelphia and is being sued in his individual and official capacity.

5. Defendant Sean Matarazzo, at all times pertinent to this Complaint, was and is employed by the City of Philadelphia and the Philadelphia Police Department as a police officer, acting under the color of state law pursuant to official policy, custom or practice of the Philadelphia Police Department and/or the City of Philadelphia and is being sued in his individual and official capacity.

6. This complaint specifically seeks brings causes of action for relief of state law claims only.

## THE CITY OF PHILADELPHIA IS TOLD TO REQUIRE TASERS

7. For a substantial period of time, the Philadelphia Police Department has limited the distribution of tasers (otherwise known as an "Electronic Control Weapon" or and "ECW"), an

effective “less than lethal” tool to officers who have undergone “Crisis Intervention Training” (“CIT”).

8. This method has limited the distribution and training of this less than lethal option of force to uniformed Philadelphia Police Officers, and given these officers only one tool at their disposal when dealing with citizens – a gun.

9. In 2013, the Philadelphia Police Department acknowledged that it has shot and killed more than 400 people in the past 6 years, a rate substantially higher than the national average.

10. The PPD requested that the United States Department of Justice investigate the policies of the Department, including those which contributed to the prevalence of officer involved shootings.

11. The Department of Justice, through their “Community Oriented Policing” Initiative issued a written report in March of 2015 titled “An Assessment of Deadly Force in the Philadelphia Police Department.”

COLLABORATIVE  
REFORM INITIATIVE  
An Assessment of Deadly  
Force in the Philadelphia Police  
Department



12. The report concluded that “The Philadelphia Police Department’s requirement of the completion of CIT Training to obtain an ECW limits the distribution of less than lethal tools throughout the department.”

## Finding 8

**The PPD requires officers to complete CIT in order to obtain an ECW. This requirement conflates the two tactical approaches and limits the distribution of less-lethal tools throughout the department.**

13. The report recommended “decoupling ECW and CIT training”; and

### *Recommendation 8.1*

*The PPD should decouple ECWs and CIT both conceptually and operationally.*

14. That “ECWs should be standard issue weapons for all PPD Officers assigned to uniformed enforcement units”; and

### *Recommendation 8.2*

*ECWs should be standard issue weapons for all PPD officers assigned to uniformed enforcement units.*

15. That all PPD officers in uniformed enforcement units should be required to carry ECWs on their belt at all times.

### *Recommendation 8.3*

*All PPD officers in uniformed enforcement units should be required to carry ECWs on their duty belt at all times.*

16. That the PPD should continue to dispatch CIT officers to calls for service involving persons in a probably state of mental crisis.

17. Despite these clear directives to the City of Philadelphia and the Philadelphia Police Department, as of October 26, 2020, (and to this day) the PPD has refused to comply with these common sense, life saving recommendations despite clear direction to do so from the United States Department of Justice.

## **ALLEGATIONS COMMON TO ALL COUNTS**

18. On or about October 26, 2020, Plaintiff’s Decedent was a resident of the City of Philadelphia with a place of residence at 6140 Locust Street Philadelphia, PA, when he began to

experience significant mental health problems as a result of various underlying mental health conditions with which he has been diagnosed including bi-polar disorder which required medication management.

19. Wallace had not taken his mental health medication and was in active mental health crisis on the day of October 26, 2020.

20. The Police had previously responded on at least 2 occasions to the area on October 26<sup>th</sup>, where they encountered Wallace, and acknowledged that he was involved in a family dispute in which it was apparent that Wallace was in acute mental health distress.

21. In fact, Police previously in the area had encountered Wallace in active mental distress, and made the choice to leave the area given his obvious mental health symptoms, and choosing to allow the family to continue to attempt to assist him in resolving his mental health crisis.

22. At approximately 3:45 pm, Defendants Munz and Matarazzo responded to another 911 call to the Plaintiff's Decedent's residence, arriving at approximately 3:48 pm.

23. On the way to the location, Officers Munz and Matarazzo were notified that Wallace was involved in an ongoing domestic dispute with his family, and information was provided to them that he had a knife in his possession.

24. The officers arrived at 6140 Locust Street at approximately 3:48 at which time Wallace exited the home holding what appears to be a small kitchen knife.

25. Immediately upon his exit of the home the Defendants were notified by his family members, including his wife Dominique Wallace (nee Van Buren) that Wallace "was mental".

26. His wife screamed over, and over again, "He's mental" providing the officers clear and obvious information that he was in mental distress.

27. Defendants Munz and Matarazzo immediately began to scream “put the knife down”.

28. Wallace walked down the steps of the home onto the sidewalk, and into the street.

29. He was followed by his mother, Kathy Brandt, and his brother John Brandt, as well as other members of his family.

30. Both Kathy and John Brandt attempted to restrain or redirect Wallace.

31. At no time did Wallace raise his knife, or make any threatening moves or actions that could be perceived as a threat to the Defendant Officers, or any other individual on the scene.

32. In fact, Wallace’s actions clearly show that of a mentally sick individual as he appears walking around in a mentally disturbed manner.

33. Kathy Brandt, acknowledging that the Defendant Officers had their weapons drawn, attempted to position herself between the Officers and her son, the Plaintiff’s Decedent.



34. At precisely 3:48:54, while the Plaintiff's Decedent was positioned behind a car, being held by his mother, one of the Defendant Officers directed the other officer to **"shoot him"**.



35. At the time the Defendant made this decision, and directed the other Defendant to shoot Wallace, Wallace presented no threat of harm to either officer, as there was a motor vehicle positioned between them.

36. Less than 6 seconds later, the Defendant Officers opened fire pursuant to the direction of one of the Defendant Officers, striking Wallace approximately 10 times after firing between 12-14 gunshots in rapid succession.

37. Wallace was incapacitated after the first gunshot, and he turned around to shield himself, however the Defendant Officers continued to fire on the Plaintiff's Decedent, continuing to strike him in the side and the back well after he was incapacitated in a manner that was excessive, unnecessary, and constituted an assault and battery on the Plaintiff's Decedent and was unauthorized under the law.

38. Given that Wallace was holding a kitchen knife, and made no threatening motions or actions towards anyone, no use of deadly force was reasonable or authorized under the law, and the decision to shoot Wallace and kill him was unauthorized and an excessive use of force by the Defendant Officers and constituted an assault and battery upon the Plaintiff's Decedent.

39. Within 60 seconds of the Defendant Officers arriving at the scene, Wallace had been shot and killed.

40. He obviously did not pose a risk of harm to his mother, who was actually trying to position herself between Wallace and the Defendant Officers, knowing they posed more of a risk to her and her son than Wallace did.

41. The entire interaction was witnessed by Walter Wallace, Jr., (The Father of the Decedent), Kathy Brandt (The Mother of the Decedent), Dominique Wallace (nee Van Buren) (the Wife of the Decedent), and his siblings, John Brandt and Wynetta Wallace.

42. As a direct and proximate result of the aforementioned assault and battery by the Defendants, acting jointly and/or severally, Plaintiff's Decedent suffered injuries including gunshot wounds to his body which caused and/or contributed to his wrongful death.

43. As a further result of the aforesaid actions, Plaintiff's Decedent received and underwent medical attention and care and to incurred various and diverse expenses in the medical care provided to him up until the time of his death.

44. As a further result of the aforesaid accident Plaintiff's Decedent has suffered a severe loss of his earnings and impairment of his earning capacity and power.

45. As a further result of the aforesaid accident, the Plaintiff's Decedent suffered severe physical pain and trauma, conscious pain and suffering, mental upset and anguish up until the time of his death.

46. As a further result of the aforesaid accident, the Plaintiff's Decedent has suffered a diminution of his ability to enjoy life and life's pleasures, all of which may continue indefinitely into the future.

**COUNT I**  
**ASSAULT AND BATTERY**  
**DAVID BOGDAN, ADMINISTRATOR OF THE ESTATE OF WALTER**  
**WALLACE, JR, DECEASED V. SEAN MATARAZZO AND THOMAS MUNZ**

47. Plaintiff incorporates by reference each and every allegation set forth in the preceding paragraphs as if set forth herein at length.

48. By the conduct set forth above, by physically assaulting, battering, shooting, and killing Plaintiff, Defendants, each individually and jointly and/or severally, used unreasonable force and caused and intended to cause harmful and offensive contact with the body of Plaintiff same constituting assault and battery.

49. By the conduct set forth above, Defendants, each individually and jointly and/or severally, caused and intended to cause Plaintiff immediate and harmful injury and ultimately his wrongful death.

50. As a direct and proximate result of the aforementioned conduct, Plaintiff suffered physical injury and pain, emotional distress, humiliation, mental and physical pain and anguish as well as economic and such other losses as will be established at trial.

WHEREFORE, Plaintiff David Bogdan, Administrator of the Estate of Walter Wallace, Jr, Deceased demands judgment against the Defendants, Sean Matarazzo and Thomas Munz each individually and jointly and/or severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages and punitive damages, costs and such other further relief the court shall deem appropriate.

**COUNT II**  
**DAVID BOGDAN, ADMINISTRATOR OF THE ESTATE OF WALTER WALLACE, JR, DECEASED V. SEAN MATARAZZO AND THOMAS MUNZ**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

51. Plaintiff incorporates by reference each and every allegation set forth in the preceding paragraphs as if set forth herein at length.

52. By engaging in the offensive conduct described above, Defendants, each individually, jointly and/or severally, intentionally, recklessly and maliciously caused severe emotional distress to Plaintiff's Decedent prior to his death.

53. This conduct was extreme and outrageous and was intended and/or designed to cause physical harm, grief, shame, humiliation, embarrassment, and anger.

54. As a direct and proximate result of the aforementioned conduct, Plaintiff's Decedent suffered physical injury and pain, and severe emotional distress, humiliation, mental pain and anguish as well as economic and such other losses that will be established at trial.

WHEREFORE, Plaintiff David Bogdan, Administrator of the Estate of Walter Wallace, Jr, Deceased demands judgment against the Defendants, Sean Matarazzo and Thomas Munz each individually and jointly and/or severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages and punitive damages, costs and such other further relief the court shall deem appropriate.

**COUNT III**  
**1<sup>ST</sup> CAUSE OF ACTION**  
**WRONGFUL DEATH**

55. Plaintiff incorporates by reference the preceding paragraphs as though each were set forth herein at length.

56. Plaintiff brings this action pursuant to the Wrongful Death Act 42 Pa. C.S.A. Section 801 and claims all damages recoverable under the Pennsylvania Wrongful Death Act.

57. The names and last known addresses of all persons who may be entitled by law to recover damages, as well as their relations to decedent Walter Wallace, Jr. are as follows:

- a. Dominique Wallace, Wife  
2657 N. 17<sup>th</sup> Street  
Philadelphia, PA 19130
- b. Dominik Wallace, Minor Son  
2657 N. 17<sup>th</sup> Street  
Philadelphia, PA 19130
- c. L'Shyna Wallace, Minor Daughter  
2657 N. 17<sup>th</sup> Street  
Philadelphia, PA 19130
- d. Erin Wallace, Minor Daughter  
2657 N. 17<sup>th</sup> Street  
Philadelphia, PA 19130
- e. Zah'Mir Wallace, Minor Son  
c/o Michael Van Der Veen, Esq.  
1219 Spruce Street  
Philadelphia, PA 19107
- f. Zakai Wallace, Minor Son  
c/o Michael Van Der Veen, Esq.  
1219 Spruce Street  
Philadelphia, PA 19107
- g. Zanai Wallace, Minor Daughter  
c/o Michael Van Der Veen, Esq.  
1219 Spruce Street  
Philadelphia, PA 19107
- h. Walter Wallace, Jr., Father  
6140 Locust Street  
Philadelphia, PA 19139
- i. Kathy Brandt, Mother  
6140 Locust Street  
Philadelphia, PA 19139

58. As a direct and proximate result of the foregoing, the Decedent's Wrongful Death beneficiaries have been, continue to be, and will in the future be deprived of his counsel, services, companionship and society.

59. As a direct and proximate result of the Defendants' negligence, gross negligence, recklessness, willful, wanton, and intentional acts as set forth above, which are incorporated herein, Walter Wallace's Jr.'s, Wrongful Death beneficiaries suffered, are suffering, and will, for an indefinite period of time in the future suffer damages, injuries and losses including but not limited to, a loss of financial support, and the beneficiaries have been wrongfully deprived of the contributions they would have received from him, including monies which he would have provided for items such as clothing, food, shelter, medical care, education and entertainment, recreation and gifts.

60. As a direct and proximate result of the Defendants' negligence, gross negligence, recklessness, willful, wanton, and intentional acts as set forth above, which is incorporated herein, Walter Wallace's Jr.'s Wrongful Death beneficiaries have been caused to incur and pay various expenses for medical treatment, hospital care, custodial care, nursing care and medications, and funeral and other expenses related to his death.

WHEREFORE, Plaintiff David Bogdan, Administrator of the Estate of Walter Wallace, Jr, Deceased demands judgment against the Defendants, Sean Matarazzo and Thomas Munz each individually and jointly and/or severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages and punitive damages, costs and such other further relief the court shall deem appropriate.

**COUNT IV**  
**2<sup>ND</sup> CAUSE OF ACTION**  
**SURVIVAL ACTION**

61. Plaintiff incorporates by reference the preceding paragraphs as though each were set forth herein at length.

62. Plaintiff brings this action on behalf of the Estate of Walter Wallace's Jr., deceased, by virtue of the Survival Act, 42 Pa. C.S.A. . § 8302, and claims all benefits of the Survival Act on behalf of Walter Wallace's Jr.'s Estate and other persons entitled to recover under law.

63. As a direct and proximate result of the Defendants' negligence, gross negligence, recklessness, willful, wanton, and intentional acts as set forth above, which is incorporated herein, Plaintiff claims on behalf of the Estate of Walter Wallace's Jr. all damages suffered by the Estate by reason of the death of Walter Wallace's Jr. including without limit the generality of the following: the severe injuries to Walter Wallace's Jr. which resulted in his death; the anxiety, horror, fear of impending death, mental disturbance, pain, suffering and other intangible losses which Walter Wallace's Jr. suffered prior to his death; the loss of past, present and future earning capacity suffered by Walter Wallace's Jr. from the date of his death until the time in the future he would have lived had he not died as a result of the injuries he sustained; expenses for medical care; the loss and total imitation and deprivation of his normal activities, enjoyment of life, pursuits and life's pleasures from the date of his death until such time in the future as he would have lived had he not died as a result of the injuries sustained.

WHEREFORE, Plaintiff David Bogdan, Administrator of the Estate of Walter Wallace, Jr, Deceased demands judgment against the Defendants, Sean Matarazzo and Thomas Munz each

individually and jointly and/or severally in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages and punitive damages, costs and such other further relief the court shall deem appropriate.

Respectfully submitted,

**LAW OFFICES OF SHAKA JOHNSON**

By: /s/ Shaka Johnson  
SHAKA JOHNSON, ESQUIRE

**STAMPONE O'BRIEN DILSHEIMER LAW**

By: /s/ Kevin O'Brien  
KEVIN P. O'BRIEN, ESQUIRE  
PRINCE HOLLOWAY, ESQUIRE

*Attorneys for the Plaintiff*

## VERIFICATION

The undersigned states that he is the Plaintiff herein, that he is acquainted with the facts set forth in the foregoing pleading, that the same are true and correct to the best of his information, knowledge and belief and that this statement is made subject to the penalties of 18 Pa C.S.A. Section 4904, relating to unsworn falsification to authorities.



---

DAVID BOGDAN, ESQ.  
Administrator of the Estate of Walter Wallace, Jr.,  
Deceased

LETTERS OF ADMINISTRATION

REGISTER'S OFFICE  
PHILADELPHIA COUNTY, PA

N<sup>o</sup> **A2908-2020**



ESTATE OF WALTER WILLIAM WALLACE JR

Social Security No. 192-74-8354

WHEREAS, WALTER WILLIAM WALLACE JR  
late of 6140 Locust Street, Philadelphia, PA 19139

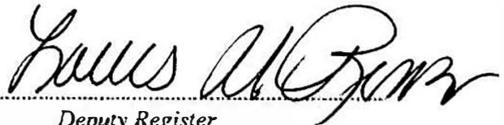
died on the 26th day of October, 2020 ;  
and

WHEREAS, the grant of letters of administration is required for the administration of said estate.

THEREFORE, I, TRACEY L. GORDON, Register for the Probate of Wills and Grant of Letters Testamentary and of Administration, in and for the County of Philadelphia in the Commonwealth of Pennsylvania, hereby certify that I have granted Letters of Administration  
to David Bogdan

who has duly qualified as Administrator of the estate of the above named decedent and has agreed to administer the estate according to law, all of which fully appear of record in the Office of the Register of Wills of Philadelphia County, Pennsylvania.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Philadelphia, the 6th day of November, 2020

  
Deputy Register