

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 2810 West Charleston Blvd, Suite 67 • Las Vegas, Nevada 89102 •
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1 **COMP**
2 ROGER P. CROTEAU, ESQ.
3 Nevada Bar No. 4958
4 ROGER P. CROTEAU & ASSOCIATES, LTD.
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6 Las Vegas, Nevada 89102
7 (702) 254-7775 (Telephone)
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10 *Attorney for Plaintiffs*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 ***

14 IEHAB HAWATMEH, individually;
15 YASMEEN HAWATMEH, individually;
16 LAYTH HAWATMEH, individually; and
17 IEHAB HAWATMEH, as Administrator of the
18 Estate of JOSEPH HAWATMEH, deceased,

Case No.:

19 Plaintiffs,

COMPLAINT

20 vs.

21 CITY OF HENDERSON, NEVADA, a political
22 subdivision of the State of Nevada; CITY OF
23 HENDERSON POLICE DEPARTMENT, a
24 political subdivision of the State of Nevada;
25 THEDRICK ANDRES, individually and as a
26 policy maker and Chief of CITY OF
27 HENDERSON POLICE DEPARTMENT;
28 LIEUTENANT THOMAS CHIELLO
individually and in his official capacity;
SERGEANT JAIME SMITH fka SERGEANT
JAIME CLEAR, individually and in her official
capacity; SERGEANT SETH VAN BEVEREN,
individually and in his official capacity;
OFFICER BRETT ANDERSON individually
and in his official capacity; OFFICER JESSE
HEHN individually and in his official capacity;
OFFICER JESSE LUJAN individually and in his
official capacity; OFFICER JAMES
PENDLETON individually and in his official
capacity; OFFICER LUIS AMEZCUA
individually and in his official capacity;

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1 OFFICER PHILIP DUFFY individually and in
2 his official capacity; OFFICER SETH PRICE
3 individually and in his official capacity; DOE
4 CITY OF HENDERSON POLICE
5 DEPARTMENT SUPERVISORS I through X,
6 inclusive; ROE CITY OF HENDERSON
7 POLICE DEPARTMENT OFFICERS XI
8 through XX, inclusive,
9
10 Defendants.

11 COMES NOW, Plaintiffs, IEHAB HAWATMEH, individually; YASMEEN
12 HAWATMEH, individually; LAYTH HAWATMEH, individually; and IEHAB HAWATMEH, as
13 Administrator of the Estate of JOSEPH HAWATMEH, deceased, (collectively, “*Plaintiffs*”), and
14 each of them, by and through their counsel of record, ROGER P. CROTEAU & ASSOCIATES,
15 LTD., and claim and allege as follows:

16 **INTRODUCTION**

- 17 1. This is a civil rights action arising under both Federal and State law for damages resulting
18 from what Plaintiffs allege to be the wrongful conduct of the Henderson Police
19 Department; its police officers and/or employees, and the City of Henderson; its police
20 officers and/or employees.
21 2. As of the filing of this Complaint, upon information and belief, the Police Fatality Fact
22 Finding Review hearing for the personnel involved in the shooting that is the subject of
23 this Complaint has neither been scheduled nor completed.

24 **DEMAND FOR A JURY TRIAL**

- 25 3. Plaintiffs demand a jury trial.

26 **JURISDICTION**

27 **(Federal Causes of Action)**

- 28 4. This action is brought by Plaintiffs pursuant to 42 U.S.C. §1983 to redress violations
perpetrated by the law enforcement Defendants while acting under color of state law,
municipal law, custom or policy in violation of certain rights secured to the Plaintiffs by
the Fourth, Fifth and Fourteenth Amendments to the United States Constitution.

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1 Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §1343(4) of the 1871 Civil
2 Rights Enforcement Act, as amended, including 42 U.S.C. §1983, as well as 28 U.S.C.
3 and §1331.

4 (State Causes of Action)

- 5 5. Jurisdiction for the Causes of Action under the statutes of the State of Nevada is conferred
6 upon this Court by the doctrine of pendent jurisdiction pursuant to 28 U.S.C. §1367.

7 VENUE

- 8 6. Venue is proper in the District of Nevada pursuant to 28 U.S.C. §1391(b) as the claims
9 arose in this district.

10 THE PARTIES

- 11 7. At all times relevant hereto, Plaintiff, Iehab Hawatmeh (“*Iehab*”), was and is an individual
12 and a resident of the State of Nevada, County of Clark, and an adult competent to bring
13 this suit in this Court.

- 14 8. Plaintiff, Yasmeen Hawatmeh (“*Yasmeen*”), was and is an individual and a resident of the
15 State of Nevada, County of Clark, and an adult competent to bring this suit in this Court.
16 Yasmeen was a minor at the time of the facts and circumstances alleged herein but has
17 since reached the age of majority.

- 18 9. At all times relevant hereto, Plaintiff, Layth Hawatmeh (“*Layth*”), was and is an individual
19 and a resident of the State of Nevada, County of Clark, and an adult competent to bring
20 this suit in this Court.

- 21 10. Iehab is the duly appointed, qualified and acting Administrator of the Estate of Joseph
22 Hawatmeh (“*Joseph*”), the deceased minor son of Iehab, and is the proper party to bring
23 this action for any and all damages suffered by Joseph, on behalf of Joseph’s Estate, his
24 survivors and potential beneficiaries.

- 25 11. Joseph is the deceased son of Iehab and Dianne Hawatmeh (“*Dianne*”), deceased, and was
26 the brother of Layth and Yasmeen. At all times relevant hereto prior to his death, Joseph
27 was a resident of the State of Nevada, County of Clark.

- 28 12. Iehab is an heir of Dianne and Joseph, pursuant to the provisions of NRS 41.085.

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- 1 13. Yasmeen is an heir of Dianne and Joseph, pursuant to the provisions of NRS 41.085.
- 2 14. Layth is an heir of Dianne and Joseph, pursuant to the provisions of NRS 41.085.
- 3 15. Defendant CITY OF HENDERSON (*hereinafter*, "City") is, and at all times alleged
- 4 herein was, a municipal corporation, political subdivision of the State of Nevada, and
- 5 a "person" for the purposes of 42 U.S.C. §1983. The City was and is at all times
- 6 relevant hereto the employer of applicable Defendants.
- 7 16. Defendant HENDERSON POLICE DEPARTMENT (*hereinafter*, "HPD") is a
- 8 metropolitan police department formed pursuant to NRS Chapter 280 and is a legal
- 9 entity for the purposes of 42 U.S.C. §1983. Defendant HPD is responsible for the
- 10 enforcement of the law and the protection of the citizenry of the City of Henderson.
- 11 Defendant HPD is also responsible for the training, hiring, control and supervision of all its
- 12 officers, employees and agents as well as the implementation and maintenance of official
- 13 and unofficial policies, practices and customs. At all times relevant to this Complaint
- 14 Defendant HPD employed and controlled all the individual Defendants as set forth herein.
- 15 17. Defendant, THEDRICK ANDRES ("*CHIEF ANDRES*"), is the Chief of the HPD. He is
- 16 sued in his individual and official capacity in his role as a policy maker of HPD as it
- 17 relates to Plaintiffs' claims. Upon information and belief, Chief Andres is the primary
- 18 decision maker responsible for all policy, practice, procedures, supervision and training for
- 19 HPD.
- 20 18. At all times relevant hereto, Defendant, LIEUTENANT THOMAS CHIELLO
- 21 ("*CHIELLO*"), was and is a resident of the State of Nevada, County of Clark.
- 22 19. CHIELLO was and is a Lieutenant of the HPD and employee of the City and HPD. At all
- 23 times relevant to this Complaint, CHIELLO was acting in his capacity as an agent, servant
- 24 and employee of the HPD who assisted in, participated in, facilitated, permitted or allowed
- 25 the violation of Plaintiffs' civil rights.
- 26 20. CHIELLO is sued in both his individual and official capacities.
- 27
- 28

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- 1 21. At all times relevant hereto, Defendant, SERGEANT JAIME SMITH (“*SMITH*”) fka
2 SERGEANT JAIME CLEAR was and is a resident of the State of Nevada, County of
3 Clark.
- 4 22. SMITH was and is a Sergeant of the HPD and employee of the City and HPD. At all times
5 relevant to this Complaint, SMITH was acting in her capacity as an agent, servant and
6 employee of the HPD who assisted in, participated in, facilitated, permitted or allowed the
7 violation of Plaintiffs’ civil rights.
- 8 23. SMITH is sued in both her individual and official capacities.
- 9 24. At all times relevant hereto, Defendant, SERGEANT SETH VAN BEVEREN (“*VAN*
10 *BEVEREN*”), was and is a resident of the State of Nevada, County of Clark.
- 11 25. VAN BEVEREN was and is a Sergeant of the HPD and employee of the City and HPD. At
12 all times relevant to this Complaint, VAN BEVEREN was acting in his capacity as an
13 agent, servant and employee of the HPD who assisted in, participated in, facilitated,
14 permitted or allowed the violation of Plaintiffs’ civil rights.
- 15 26. VAN BEVEREN is sued in both his individual and official capacities.
- 16 27. At all times relevant hereto Defendant, OFFICER BRETT ANDERSON (“*ANDERSON*”),
17 was and is a resident of the State of Nevada, County of Clark.
- 18 28. ANDERSON was and is an officer of the HPD and employee of the City and HPD. At all
19 times relevant to this Complaint, ANDERSON was acting in his capacity as an agent,
20 servant and employee of the HPD who assisted in, participated in, facilitated, permitted or
21 allowed the violation of Plaintiffs’ civil rights.
- 22 29. ANDERSON is sued in both his individual and official capacities.
- 23 30. At all times relevant hereto, Defendant, OFFICER JESSE HEHN (“*HEHN*”), was and is a
24 resident of the State of Nevada, County of Clark.
- 25 31. HEHN was and is an officer of the HPD and employee of the City and HPD. At all times
26 relevant to this Complaint, HEHN was acting in his capacity as an agent, servant and
27 employee of the HPD who assisted in, participated in, facilitated, permitted or allowed the
28 violation of Plaintiffs’ civil rights.

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- 1 32. HEHN is sued in both his individual and official capacities.
- 2 33. At all times relevant hereto, Defendant, OFFICER JESSE LUJAN (“*LUJAN*”) was and is a
- 3 resident of the State of Nevada, County of Clark.
- 4 34. LUJAN was and is an officer of the HPD and employee of the City and HPD. At all times
- 5 relevant to this Complaint, LUJAN was acting in his capacity as an agent, servant and
- 6 employee of the HPD who assisted in, participated in, facilitated, permitted or allowed the
- 7 violation of Plaintiffs’ civil rights.
- 8 35. LUJAN is sued in both his individual and official capacities.
- 9 36. At all times relevant hereto, Defendant, OFFICER JAMES PENDLETON
- 10 (“*PENDLETON*”), was and is resident of the State of Nevada, County of Clark.
- 11 37. PENDLETON was and is an officer of the HPD and employee of the City and HPD. At all
- 12 times relevant to this Complaint, PENDLETON was acting in his capacity as an agent,
- 13 servant and employee of the HPD who assisted in, participated in, facilitated, permitted or
- 14 allowed the violation of Plaintiffs’ civil rights.
- 15 38. PENDLETON is sued in both his individual and official capacities.
- 16 39. At all times relevant hereto, Defendant, OFFICER LUIS AMEZCUA (“*AMEZCUA*”), was
- 17 and is a resident of the State of Nevada, County of Clark.
- 18 40. AMEZCUA was and is an officer of the HPD and employee of the City and HPD. At all
- 19 times relevant to this Complaint, AMEZCUA was acting in his capacity as an agent,
- 20 servant and employee of the HPD who assisted in, participated in, facilitated, permitted or
- 21 allowed the violation of Plaintiffs’ civil rights.
- 22 41. AMEZCUA is sued in both his individual and official capacities.
- 23 42. At all times relevant hereto, Defendant, OFFICER PHILIP DUFFY (“*DUFFY*”), was and
- 24 is a resident of the State of Nevada, County of Clark.
- 25 43. DUFFY was and is an officer of the HPD and employee of the City and HPD. At all times
- 26 relevant to this Complaint, DUFFY was acting in his capacity as an agent, servant and
- 27 employee of the HPD who assisted in, participated in, facilitated, permitted or allowed the
- 28 violation of Plaintiffs’ civil rights.

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- 1 44. DUFFY is sued in both his individual and official capacities.
- 2 45. At all times relevant hereto, Defendant, OFFICER SETH PRICE (“PRICE”), was and is a
3 resident of the State of Nevada, County of Clark.
- 4 46. PRICE was and is an officer of the HPD and employee of the City and HPD. At all times
5 relevant to this Complaint, PRICE was acting in his capacity as an agent, servant and
6 employee of the HPD who assisted in, participated in, facilitated, permitted or allowed the
7 violation of Plaintiffs’ civil rights.
- 8 47. PRICE is sued in both his individual and official capacities.
- 9 48. Defendants, CHIELLO, SMITH, VAN BEVEREN, ANDERSON, HEHN, LUJAN,
10 PENDLETON, AMEZCUA, DUFFY and PRICE are hereinafter referred to as the
11 “POLICE DEFENDANTS.” The POLICE DEFENDANTS, together with the City, HPD
12 and CHIEF ANDRES, as well as the Does and Roes identified below, shall hereinafter be
13 referred to collectively as “Defendants,” as applicable.
- 14 49. Defendants, DOE CITY OF HENDERSON POLICE DEPARTMENT SUPERVISORS I -
15 X and ROE CITY OF HENDERSON POLICE DEPARTMENT OFFICERS XI-XX,
16 whose identities are currently unknown, were at all times relevant hereto law enforcement
17 personnel employed by the HPD. They are sued in both their individual and official
18 capacities.
- 19 50. Plaintiffs are informed and believe, and hereby allege, that each of the Defendants,
20 inclusive, are, in some manner, negligently, willfully, or otherwise, personally responsible
21 for the events, happenings, occurrences, omissions to act and injuries sustained by
22 Plaintiffs as alleged herein. It is further alleged and believed these Defendants were each
23 involved in the initiation, approval, support, or execution of the wrongful acts or the
24 failures to act as set forth herein, upon which this litigation is premised.
- 25 51. Each of the Defendants was and is an employee and/or agent and/or co-conspirator of the
26 remaining Defendants, and in doing the things hereinafter alleged, was acting within the
27 scope of such agency, employment or conspiracy and with the permission and consent of
28 the other Defendants.

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1 52. At all times relevant hereto, for all allegations as set forth in this Complaint, the City and
2 HPD, jointly and severally, and each of them, are vicariously liable and responsible
3 pursuant to the Doctrine of Respondeat Superior, for the acts and/or omissions of all of
4 their employees and/or agents, including but not limited to, all intentional acts and/or
5 failures to act, reckless acts, grossly negligent acts and negligent acts, violation of 11
6 U.S.C. §1983, the wrongful death of Joseph and for all conduct as alleged in this
7 Complaint.

8 53. At all times relevant to this Complaint, all the actions of the Defendants were performed
9 under color of state law and pursuant to their authority as police officers or governmental
10 actors.

11 54. The acts and omissions of all the Defendants were carried out maliciously, callously,
12 oppressively, wantonly, recklessly, and with deliberate indifference to the rights of the
13 Plaintiffs.

14 **GENERAL ALLEGATIONS**

15 **EVENTS WITHIN THE HAWATMEH APARTMENT**

16 55. On November 3, 2020, beginning at approximately 10:59 a.m., HPD received multiple 9-1-
17 1 calls related to several gunshot victims at 1445 Stonelake Cove Avenue, Henderson,
18 Nevada 89074 (“*Stonelake Apartments*” or the “*Complex*”).

19 56. The 9-1-1 calls related to the shooting of Dianne and Yasmeen, as well as Veronica Muniz
20 (“*Veronica*”), by an individual named Jason Neo Bourne (“*Bourne*”).

21 57. HPD has caused the matters referenced in this Complaint concerning the events,
22 investigation and related matters to be identified in HPD records as DR #20-19380 (“*HPD*
23 *Report*”).

24 58. Bourne resided at the Complex in Unit 13301 (“*Bourne Apartment*”).

25 59. The Plaintiffs resided immediately below the Bourne Apartment in Unit 13201
26 (“*Hawatmeh Apartment*”).

27 60. On November 3, 2020, prompted by a complaint made by Dianne to the Complex
28 regarding noise emanating from the Bourne Apartment, Bourne confronted Dianne and

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- 1 Yasmeen when they returned to the Complex in Dianne’s black Cadillac Escalade
2 (“*Escalade*”), which had dark limousine tint over all the rear windows.
- 3 61. The confrontation between Bourne and Dianne and Yasmeen began as Dianne and
4 Yasmeen were pulling into the Complex in the Escalade but before they reached their
5 parking space across from Building 13, when Bourne abruptly motioned for Dianne to stop
6 the Escalade.
- 7 62. Although startled, Dianne and Yasmeen stopped the Escalade and quickly spoke with
8 Bourne without incident.
- 9 63. After a short conversation with Bourne, Bourne walked away from the Escalade and out of
10 their line of sight.
- 11 64. Dianne immediately parked the Escalade and hurried along with Yasmeen up the stairs to
12 the second floor of Building 13 of the Complex, where the Hawatmeh Apartment was
13 located. As they climbed the stairs, Dianne and Yasmeen noticed Bourne running after
14 them, causing Dianne and Yasmeen to run to the Hawatmeh Apartment in fear.
- 15 65. Dianne and Yasmeen reached and entered the Hawatmeh Apartment and were able to close
16 the entry door behind them.
- 17 66. At that time, Joseph, Yasmeen, Diane and two housekeepers, Veronica and Lourdes
18 Gonzalez (“*Lourdes*”), were physically present in the Hawatmeh Apartment.
- 19 67. After Dianne closed the entry door of the Hawatmeh Apartment, she was unable to lock the
20 deadbolt on the door, because Bourne was attempting to forcefully open the door.
- 21 68. Dianne struggled to hold the latch lever but Bourne overpowered her and kicked the door
22 open. Bourne thereupon entered the Hawatmeh Apartment with a gun in his hand.
- 23 69. Once inside the Hawatmeh Apartment, Bourne, armed and brandishing a Sig Sauer P226
24 .40 caliber handgun, demanded that Dianne get on her knees and put her head down.
25 Within seconds, Bourne executed Dianne by firing one shot into the top of Dianne’s head.
- 26 70. Bourne then turned to Yasmeen and shot her several times in her lower abdominal area and
27 leg.
- 28 71. Immediately thereafter, Bourne shot and killed Veronica with a single shot.

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- 1 72. Fortunately, when Bourne gained entry to the Hawatmeh Apartment, Lourdes was able to
2 secure herself in the bathroom and her presence was apparently undetected by Bourne.
- 3 73. Bourne then turned to Joseph and demanded that Joseph tell him where Dianne’s Escalade
4 key was located, but he did not know.
- 5 74. After Joseph could not locate the Escalade ignition key, Bourne, noticeably agitated,
6 turned to Yasmeen, who was laying on the floor bleeding, and began to ask her where were
7 Dianne’s Escalade keys, and she responded that she did not know.
- 8 75. As a result of Yasmeen’s inability to tell him where Dianne’s Escalade keys were, Bourne
9 again shot Yasmeen with his handgun multiple times.
- 10 76. While in the Hawatmeh Apartment, at 10:58:03, Joseph called HPD 9-1-1 Emergency
11 Response (“911”) from his cellular telephone with a number of 801-244-1078. The call
12 lasted for 2 minutes and 1 second (“Joseph 911 Call”).
- 13 77. During the Joseph 911 Call, Joseph informed the 9-1-1 Operator that “somebody’s in my
14 apartment with a gun.” Joseph further advised that he was at the “Douglas.”
- 15 78. The transcript of the Joseph 911 Call reflects two voices other than the Dispatcher, an
16 “Unidentified Male Speaker,” now known to be Bourne, and an “Unidentified Child
17 Speaker,” now known to be Joseph. The transcript of the Joseph 911 Call includes the
18 following pertinent statements and information:
- 19 Bourne: Let’s go.
- 20 Joseph: My hands are up. I’m going to go.
- 21 Bourne: Give me – give me the keys to the car [Escalade]. Go get the key to the car.
22 Go get the keys.
- 23 Bourne: You have the keys, go.
- 24 (Whereupon, a gunshot sounded)
- 25 Joseph: (Crying)
- 26 Bourne: The keys. Get the keys. Hurry up.
- 27 Dispatcher: Hello?
- 28

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(Whereupon, a gunshot sounded)

Bourne: Yeah, get ‘em. You have 10 seconds to find the keys.

Joseph: (Crying)

Bourne: Open the door.

79. The Joseph 911 Call began at 10:58:03 a.m. and lasted 2 minutes and 1 second according to the cellular telephone records; however, the HPD transcript provides that the duration of the call was 2 minutes and 34 seconds. The Joseph 911 Call was recorded by the HPD Operator as lasting 1 minute and 49 seconds with Event No. 201103000472.
80. At 11:00 a.m., the HPD 9-1-1 Dispatcher placed a return call to Joseph’s cellular telephone number but received no answer.
81. The Joseph 911 Call transcript indicates that the crimes committed by Bourne in the Hawatmeh Apartment had terminated by approximately 11:01 a.m.
82. At approximately the same time that the Joseph 911 Call was taking place, at 10:59:13, Yasmeen called the HPD 9-1-1 Operator from her cellular telephone with a number of 801-244-9902. The call lasted for 1 minute and 35 seconds (“*Yasmeen 911 Call*”). According to HPD’s summary of the Yasmeen 911 Call, the Yasmeen 911 Call commenced at 11:01 a.m. HPD’s summary indicates that the 9-1-1 Operator heard possible crying in the background for a few seconds but that the line thereafter went quiet. According to HPD’s summary, the call’s duration was approximately 46 seconds.
83. During the foregoing calls, Bourne, while in the Hawatmeh Apartment, eventually located the Escalade key and obtained Joseph’s cellular telephone and Yasmeen’s cellular telephone before leaving the Hawatmeh Apartment at approximately 11:03 a.m., taking Joseph as a hostage. Bourne took Joseph to the Complex parking lot, where he located the Escalade and placed Joseph in the passenger seat before securing himself in the driver’s seat.
84. At the point that Bourne left the Hawatmeh Apartment with Joseph as a hostage, Dianne had been shot in the head and was laying in the doorway; Veronica had been shot in the

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1 head next to the sliding door; Lourdes was locked in the bathroom; and Yasmeen had been
2 shot a total of eight times in two discrete attacks and was laying on the floor.

3 85. Bourne did not shoot Joseph in the Hawatmeh Apartment.

4 86. As a result of his intended execution of Dianne as retaliation for her noise complaint
5 against him, and the foreseeable consequences of his decision to execute Dianne and
6 Veronica and cause serious injuries to Yasmeen, Bourne took Joseph with him as a hostage
7 to secure his safety and escape.

8 87. According to an HPD summary, at approximately 11:04:20 a.m., Lourdes called the HPD
9 9-1-1 Emergency System from within the Hawatmeh Apartment (“*Lourdes 911 Call*”).
10 The Lourdes 911 Call was recorded as Event No. 201103000483. Due to a language
11 barrier, Lourdes was not able to effectively communicate in detail; however, she did advise
12 that she was “locked down in the bathroom” of the Hawatmeh Apartment. Lourdes stated
13 that the assailant (Bourne) had kicked the door in and entered the Hawatmeh Apartment.
14 She further described Bourne as a black male, approximately 35 years of age, wearing
15 khaki color pants and carrying a gun. At the time of the call, the HPD 9-1-1 Interpreter
16 asked if Lourdes could see or hear Bourne and she responded that she was hiding in the
17 bathroom and that she could hear someone crying nearby. Lourdes further stated that the
18 crying sounded like a female. The Lourdes 911 Call lasted for 6 minutes and 28 seconds.

19
20 **EVENTS WITHIN THE CADILLAC ESCALADE**

21 88. Upon leaving the Hawatmeh Apartment, Bourne dragged Joseph to the Escalade, which
22 remained parked in the Complex’s parking lot where Dianne had left it. Bourne placed
23 Joseph in the front passenger seat and then sat in the driver’s seat.

24 89. At 11:06:50 a.m., upon information and belief, Bourne utilized Joseph’s cellular telephone
25 to call the HPD 9-1-1 Emergency System but was not answered. At that time, Bourne,
26 along with Joseph as his hostage, was in the Escalade, parked on the east side of Building
27 13 and facing the east wall of the Complex parking lot.

28

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- 1 90. After Bourne left the Hawatmeh Apartment with Joseph as his hostage, a neighboring
2 tenant, Heartnee Reese (“Reese”), went to the Hawatmeh Apartment after hearing
3 gunshots and called the HPD 9-1-1 Emergency System to report the shootings at
4 approximately 11:07 a.m. (“Reese 911 Call”).
- 5 91. By virtue of the Reese 911 Call, HPD was specifically informed that the perpetrator of the
6 crimes committed at the Hawatmeh Apartment had left the Hawatmeh Apartment.
- 7 92. HPD prepared a transcript of the Reese 911 Call indicating that it commenced at 11:07:29
8 a.m. During the Reese 911 Call, Reese advised that she was present at the Hawatmeh
9 Apartment where she saw Dianne in the doorway bleeding. Reese had heard someone
10 screaming for help. Reese advised the 9-1-1 Dispatcher that one of the neighbors saw the
11 assailant (Bourne) leave the Hawatmeh Apartment with a child. According to Reese,
12 Dianne was “still breathing but it sounded like there’s blood in her lungs.” Reese then
13 reiterated to the 9-1-1 Dispatcher that “she’s awake for now; I can hear her, she is
14 breathing,” in reference to Dianne. The Reese 911 Call lasted approximately 9 minutes
15 and 52 seconds.
- 16 93. Upon information and belief, as the incident continued in the Complex parking lot and as a
17 logical continuation of Bourne’s execution of Dianne and Veronica and the serious injuries
18 to Yasmeeen, the scene was set for a hostage standoff between Bourne, with Joseph as a
19 hostage, and HPD that ultimately resulted in Bourne being shot and killed while seated in
20 the driver’s seat of the Escalade and Joseph being shot several times and killed while
21 seated in the front passenger seat of the Escalade.
- 22 94. Concurrently with the Reese 911 Call, based upon the cellular telephone records and a
23 review by HPD of Joseph’s cellular telephone, at 11:07:47 a.m., Bourne used Joseph’s
24 cellular telephone to call the HPD 9-1-1 Dispatcher a second time, which was recorded as
25 Event No. 201103000485 (“Bourne 911 Call”). Bourne made the Bourne 911 Call while
26 seated in the Escalade with Joseph at his hostage in the parking lot of the Complex across
27 from Building 13. The Bourne 911 Call was open with HPD 9-1-1 Dispatch for 25
28

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- 1 minutes and 44 seconds, from approximately 11:07:47 a.m. until 11:33:31 a.m., and
2 recorded many of the events that took place in and around the Escalade. HPD’s summary
3 of the Bourne 911 Call states that it was made at approximately 11:18:57 a.m.
- 4 95. HPD’s summary of Joseph’s cellular telephone clearly demonstrates that the Bourne 911
5 Call was placed to the HPD 9-1-1 Operator at 11:07 a.m.; however the HPD summary of
6 the Bourne 911 Call states that at “approximately 11:18:57 hours, Henderson P.D.
7 Dispatch received a call from 801-244-1078 (later determined to be Joseph Hawatmeh’s
8 cell phone).” The discrepancy between the summary of Joseph’s cellular telephone
9 records and HPD’s register of the Bourne 911 Call represents lost time of approximately
10 11 minutes and 12 seconds.
- 11 96. At no time did Bourne move the Escalade from where Dianne had parked it at the
12 Complex at approximately 10:56 a.m. or attempt to flee, even when confronted by HPD.
- 13 97. Concurrent with the Reese 911 Call, the Bourne 911 Call informed the HPD 9-1-1
14 Dispatcher that Bourne wanted a helicopter; that he possessed a Sig Sauer P226 .40 caliber
15 pistol; and that he had a hostage, Joseph.
- 16 98. At approximately 11:19 a.m., concurrently with the events unfolding at the Complex,
17 Layth received a community warning notification from the Complex on his cellular phone
18 advising that “Incident underway, police are on site. We don’t have any information,
19 however for your safety we advise you stay indoors at this time.”
- 20 99. Upon receiving this information, Layth and Iehab began to frantically attempt to contact
21 Dianne, Yasmeen and Joseph on their respective cell phones, by sending text messages and
22 through repeated telephone calls. Shortly after receiving the warning notification from the
23 Complex, Layth and Iehab called Yasmeen’s cellular telephone, which was at that time in
24 the possession of Bourne in the Escalade (“*Layth Call*”).
- 25 100. At approximately 11:23 a.m., Bourne directed Joseph to answer the Layth Call on
26 Yasmeen’s cellular telephone. This call remained open for approximately 2 hours and 2
27 minutes, long after the hostage situation had concluded. During the telephone call, Iehab
28

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1 and Layth could hear Bourne and Joseph speaking to one another and to the 9-1-1
2 Dispatcher. Ultimately, Iehab and Layth heard the gunshots that resulted in the deaths of
3 Joseph and Bourne, as well as the aftermath.

4 101. As the Bourne 911 Call proceeded from 11:07 a.m. on, HPD personnel were arriving at the
5 Complex in response to the various HPD 9-1-1 calls. The Bourne 911 Call documents all
6 the events that took place inside the Escalade at all times relevant to the Plaintiffs' claims,
7 while the body cams and dash cams of the various police personnel document the actions
8 that occurred outside of the Escalade simultaneously.

9 102. At the outset of the Bourne 911 Call, the HPD 9-1-1 Operator should have known within
10 minutes that the call was related to the events at the Complex.

11 103. Bourne advised the 9-1-1 Operator he wanted a chopper, a big chopper. The dispatcher asked
12 what he wanted, and Bourne again advised a fuckin helicopter. Bourne then advised that
13 Joseph wanted a helicopter and he wanted it now because he was scared.

14 104. Based upon Bourne's initial statements, the HPD 9-1-1 Dispatcher should have been
15 reasonably aware that Bourne was having a mental episode of some type.

16 105. The HPD 9-1-1 Dispatcher then asked Bourne what his address was. Bourne asked Joseph
17 for his address and Joseph advised Stonelake Cove Apartments. The dispatcher asked if he
18 knew what his apartment number was and Bourne stated, "13 301, is the guy I killed, if
19 that helps you."

20 106. Bourne stated they had ten minutes to bring his helicopter.

21 107. Approximately 17 minutes into the Bourne 911 Call, a single gunshot sounded and Joseph
22 was heard screaming. A second later, two additional consecutive gunshots sounded,
23 followed by numerous other gunshots that left Joseph mortally wounded from two shots to
24 his head. Joseph was not heard again. The gunshots stopped after about five seconds, while
25 Lujan placed his rifle through the rear hatch where the glass had been shattered and
26 whereupon Bourne yelled, "Yeah!" Another gunshot sounded from Lujan's rifle shooting
27 Bourne through the front driver seat. No further sounds were heard from either Bourne or
28 Joseph.

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1 108. Approximately one minute after the first volley of gunshots, police personnel approached
2 the Escalade yelling. An additional approximately seven gunshots sounded, whereupon the
3 police personnel continued to yell. The yelling turned to communication between
4 themselves as the police commenced removing Bourne and Joseph from the Vehicle. Both
5 had been shot multiple times. During this time, Iehab desperately attempted to converse
6 with anyone to determine whether his wife, son and daughter were safe.

7 109. According to the HPD Report and summary of the Bourne 911 Call, HPD determined that
8 the first gunshot occurred 17 minutes into the Bourne 911 Call, at approximately 11:24 a.m.
9 All gunfire ceased by approximately 11:25 a.m.

10 110. If the Police Defendants had assessed the current live situation as a hostage situation and
11 acted consistent with reasonable police policy and procedure, the forced acceleration
12 resulting in Joseph's death reasonably could have and would have been averted.

13 111. HPD caused a transcript of the Bourne 911 Call to be prepared that is set forth in its entirety
14 below:

15 **TRANSCRIPTION OF THE 911 CALL WITH BOURNE AND JOSEPH**

16 This recorded 911 call by JASON BOURNE and JOSEPH HAWATMEH did hereby take
17 place inside of a vehicle at The Douglas at Stonelake Apartments, 1445 Stonelake Cove
18 Avenue, Henderson, Nevada, reference DR#20-19380. Person making call to Henderson
19 Police Department Dispatch is JASON BOURNE. Transcription of taped 911 phone call 4
20 by Janet Sandifer, Deputy City Clerk, and Victoria Oasis, Deputy City Clerk, Henderson
21 City Clerk's Office.

22 JASON BOURNE: You want some water?

23 JOSEPH HAWATMEH: No. Thank you.

24 MR. BOURNE: All right.

25 DISPATCHER: Henderson 911. What's the address of your emergency?

26 MR. BOURNE: Hello.

27 DISPATCHER: Hello. Hi. How can I help you?

28 MR. BOURNE: Hello. Hi. Can you hear me?

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1 DISPATCHER: Yes, I can. How can I help you?
2 MR. BOURNE: This is Jason. I sometimes think my name is XM Satellite Radio. And I'm
3 here with - - we're doing a movie. It's - - I want to introduce myself. I'm sorry. I am
4 Gotham's reckoning, also known as Bane. So, Bane - - (incomprehensible).
5 DISPATCHER: Where are you, sir? Hello?
6 MR. BOURNE: I'm at - - well, Bane - - let me introduce my friend.
7 DISPATCHER: Okay. You're on the 911 line.
8 MR. BOURNE: Let me introduce you.
9 DISPATCHER: Hello?
10 MR. BOURNE: His name - - his name's - -
11 DISPATCHER: You're - - you're - - you're on a 911 line. How can I help you?
12 MR. BOURNE: Yeah. I want a chopper.
13 DISPATCHER: You want - -
14 MR. BOURNE: A big chopper.
15 DISPATCHER: A what?
16 MR. BOURNE: I - - I want a fucking - - - a helicopter. What do they call it nowadays?
17 MR. HAWATMEH: A helicopter.
18 DISPATCHER: A helicopter.
19 MR. BOURNE: A helicopter? Jor - - Jordan wants a helicopter. And he says he wants it
20 now because he's scared. And I told - -
21 DISPATCHER: Who's Jordan?
22 MR. BOURNE: Jordan. Who are you, Jordan?
23 MR. HAWATMEH: Huh?
24 MR. BOURNE: Who are you? You know your name, right? (Incomprehensible due to
25 poor audio quality.) Is it big?
26 MR. HAWATMEH: (No audible response.)
27 MR. BOURNE: Okay. Oh. He says it's little, but on the side of it, it says Civic Square
28 P226, .40 caliber Smith and Wesson. So, I give up my name, Jason Bourne. I'm from the

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1 future, like - - what's the name of the last place of the - - was it Avatars? Was it good? Did
2 you like that movie?
3 DISPATCHER: What's your address? What's your address, sir?
4 MR. BOURNE: What- - what's your address, Bernie? This is really important. So, just - -
5 hey, I'm not going to hurt you as long as you don't get you address wrong. If you get your
6 address wrong, I have to kill you. You keep looking over your shoulder. You're making me
7 nervous. Is there a cop over there?
8 MR. HAWATMEH: No.
9 DISPATCHER: If you look over that way again, I might have to hurt you.
10 (Incomprehensible due to poor audio quality.)
11 DISPATCHER: Can I talk to the - -
12 MR. BOURNE: (Incomprehensible due to poor audio quality.)
13 DISPATCHER: - - can I talk to the person you're with?
14 MR. BOURNE: Which one? There's, like, ten billion people inside of (incomprehensible
15 due to poor audio quality.)
16 DISPATCHER: Okay. The one who was - - just answered you. Let me talk to him.
17 Mr. HAWATMEH: Oh. Hello.
18 DISPATCHER: Hi. What's going on?
19 MR. HAWATMEH: Uh.
20 DISPATCHER: How old are you?
21 MR. BOURNE: Hold on. Go ahead. Tell - - tell her how old you are.
22 MR. HAWATMEH: Uh. I'm 12 years old.
23 MR. BOURNE: Are you 12? (Incomprehensible.)
24 DISPATCHER: Okay. And what's - - what's your name?
25 MR. BOURNE: Speak like a black Thor, like, my name is Thor. And I am here to save the
26 children from the pedophiles. And Jordan - -
27 DISPATCHER: Okay. Can I - - can I - - can I talk to the 12--
28 MR. BOURNE: How old are you, Jordan?

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1 MR. HAWATMEH: I am 12 years old.
2 DISPATCHER: Can I talk to the 12-year-old, please? Jordan, can I talk to you?
3 MR. BOURNE: (Incomprehensible.) Don't ask the boy any more questions.
4 DISPATCHER: Why?
5 MR. BOURNE: Talk to me. Go ahead. Go ahead. Just go ahead, Jordan.
6 MR. HAWATMEH: Um. I am 12 years old.
7 DISPATCHER: Okay. What's going on, today? Are you doing on line schooling or what?
8 MR. BOURNE: (Incomprehensible) helicopter here in 10 minutes or someone dies.
9 MR. HAWATMEH: Oh. We want a helicopter here - -
10 MR. BOURNE: In ten minutes.
11 DISPATCHER: Okay.
12 MR. HAWATMEH: - - in ten minutes.
13 MR. BOURNE: (Incomprehensible.)
14 DISPATCHER: Where's here meant? Where's here, Jordan?
15 MR. BOURNE: (Incomprehensible.)
16 MR. HAWATMEH: Huh? Say that again.
17 DISPATCHER: Where's - - do you know where here is? Do you know what the address
18 you're at? Do you know what the address is where you are? Are you at a store or are you at
19 a commercial area? Are you at an apartment?
20 MR. BOURNE: Stonelake Cove - - Stonelake Cove Apartments.
21 MR. HAWATMEH: We are at Stonelake Cove Apartments.
22 DISPATCHER: Okay.
23 Do you know what your apartment number is?
24 MR. BOURNE: 13-301 is the guy I killed, if that helps you. So, maybe I should kill this
25 guy.
26 DISPATCHER: Okay. Why did you kill somebody?
27 MR. BOURNE: Go - - go with the fake cry. Fake cry, like - - like - - like, fake news. Dude,
28 do your fake cry.

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1 MR. HAWATMEH: Okay.
2 MR. BOURNE: No. Come on. You gotta pull it deeper. We're doing - -
3 DISPATCHER: Come on. Come on. What- -
4 MR. BOURNE: - - Please don't kill me. Please don't kill me. No. He's got a gun.
5 MR. HAWATMEH: (Incomprehensible.)
6 MR. BOURNE: Oh. Okay. Okay. You gotta act for real though, dude. This is Vegas. This
7 is the land of, like, is this a real gun?
8 DISPATCHER: Okay. What - -
9 MR. HAWATMEH: (Incomprehensible.) (Screaming.)
10 MR. BOURNE: (Screaming.) Oh, my god. What a rush.
11 MR. HAWATMEH: (Incomprehensible.)
12 DISPATCHER: Okay.
13 MR. BOURNE: I thought killing a baby would be hard.
14 MR. HAWATMEH: I should (incomprehensible.)
15 MR. BOURNE: I - - I'm hard, actually. So, know - - you know what? He's didn't have his
16 hearing protection. So, you guys got 10 minutes to bring my helicopter now or I'll
17 (incomprehensible.)
18 DISPATCHER: Okay. You know - -
19 MR. BOURNE: There was four- -
20 DISPATCHER: You - - you - -
21 MR. HAWATMEH: - - but now there's two.
22 DISPATCHER: Okay. You realize - -
23 MR. BOURNE: There was four (incomprehensible.)
24 DISPATCHER: Okay.
25 MR. HAWATMEH: Can I give you the ammo?
26 MR. BOURNE: The am - - no. You give me the ammo
27 DISPATCHER: Who - -
28 MR. BOURNE: - - like we're putting on a movie.

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1 DISPATCHER: Who is Jordan to you?
2 MR. BOURNE: 'Cause we're shooting a movie.
3 DISPATCHER: Who is Jordan to you? Is he your son? Who is he? Sir, what's going on?
4 MR. HAWATMEH: Can I have a helicopter now or someone dies?
5 DISPATCHER: Okay. Is that your dad or who is that you're with, Jordan?
6 MR. BOURNE: Tell 'em you have - -
7 MR. HAWATMEH: I have - - you have four minutes now to get the helicopter.
8 DISPATCHER: Okay. I don't have a helicopter, personally, so we, actually, have to go to
9 Metro to go get it. So, that is a little - - it's gonna take us a little bit more than four minutes
10 to do this. Okay. So, it's at - four minutes is, like - - yeah. We don't have a helicopter that
11 goes that fast. You see what I'm saying? Is there something else I can do for you until I get
12 a helicopter out there?
13 MR. HAWATMEH: All the men about to draw explosives.
14 DISPATCHER: I'm sorry, what?
15 MR. HAWATMEH: If he kill me, I'll have (incomprehensible).
16 MR. BOURNE: What he - - what he - - what he's trying to say here or ask, he's got a little
17 bit funk-eyed 'cause of that hearing loss. It says when you don't have your hearing
18 protection in, you can get a little disoriented. So, maybe I'll help him out Like - - You got
19 to be like - - you gotta scream, like, (makes a noise.)
20 MR. HAWATMEH: Okay.
21 MR. BOURNE: Well, I'm gonna shoot I have to, but - -
22 DISPATCHER: No. You don't have to do anything. Okay. It's cool. We - - we can take the
23 time, and we can get the helicopter there. All right? What - - what's the 12-year-old doing?
24 Okay? What's he doing with you?
25 MR. BOURNE: He says that all the airplanes - - there's over 10,000 airplanes around this
26 world.
27 DISPATCHER: Okay- -
28

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1 MR. BOURNE: And, according to Fake News R Us, there's a -- How many billions of
2 people in this world?
3 MR. HAWATMEH: Like, a hundred billion.
4 MR. BOURNE: A hundred billion?
5 MR. HAWATMEH: Yeah.
6 MR. BOURNE: He says there's one hundred billion people that will die -- And when are
7 we gonna kill 'em, Jordan?
8 MR. HAWATMEH: Huh?
9 MR. BOURNE: When are we gonna kill the people that are on the airplane?
10 MR. HAWATMEH: In four minutes.
11 MR. BOURNE: In four minutes, we drop a plane, and --
12 You -- hold on --
13 DISPATCHER: Okay.
14 MR. BOURNE: -- we gotta put it on mute. Hold on. Hold on. We'll be back. We gotta --
15 we gotta rehearse.
16 DISPATCHER: 0 -- okay, sir. What do you -- what's your name? Sir? (Whereupon, Mr.
17 Bourne muted and unmuted his phone microphone.)
18 MR. BOURNE: Play like you're gonna shoot.
19 MR. HAWATMEH: Which airplane do we have to sell or else they're gonna shoot us?
20 MR. BOURNE: Okay. He's having a little interim outro malfunction. What he's trying to
21 say is -- Should we -- should we give them some more time, like, for the airplane --
22 MR. HAWATMEH: Yeah.
23 MR. BOURNE: -- or you think four minutes is good?
24 MR. HAWATMEH: Uh, we can give them about ten minutes.
25 MR. BOURNE: Ten minutes? Or -- okay. Oh -- oh -- hold on. Let -- let me get my
26 scripts. Hold on. And it says .40 caliber Smith and Wesson armor-piercing rounds --
27 DISPATCHER: Hey, sir.
28 MR. BOURNE: -- and --

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1 DISPATCHER: Sir.
2 MR. BOURNE: - - we also have - -
3 DISPATCHER: Hey.
4 MR. BOURNE: - -we have a tank at (incomprehensible).
5 DISPATCHER: Sir, I - - I've got- - I've got the heli - -
6 MR. BOURNE: Listen to me. Hey. I am the captain, now.
7 DISPATCHER: Okay, Captain.
8 MR. BOURNE: (Incomprehensible) this is, and the kid dies. Okay. The only thing I want
9 to hear from you is, Okay. So, this is one-word responses from here on out. This is the way
10 things goes. This young man - -Which - - which - - sorry, dude. I got out of character,
11 dude. went off-script for a minute. What's your name again?
12 MR. HAWATMEH: Jordan.
13 MR. BOURNE: Jordan. Okay. Jordan says I should not yell because he said - -What's was
14 your last name?
15 MR. HAWATMEH: 'Cause I don't have my headphones, and usually (incomprehensible).
16 MR. BOURNE: Oh. 'Cause I - - oh - - 'cause you're - -you- - you sent me - - I don't - - let
17 me give him some - - fuck. I'm fresh out of earplugs. Those 3M earplugs don't work
18 anyways, so he's trying to say is that - - one of the airpo - - this fucking mask - - that's the
19 problem.
20 DISPATCHER: 0 - - okay.
21 MR. BOURNE: Take control - - take control of your city, and Jordan will not die
22 (incomprehensible due to audio quality).
23 DISPATCHER: Oh - -
24 MR. BOURNE: I see his (incomprehensible).
25 DISPATCHER: Okay. I've got- - sir.
26 MR. BOURNE: (Incomprehensible). Get the fuck - - I'm talking to you. Don't even try to -
27 MR. HAWATMEH: (Screaming.)
28 MR. BOURNE: Don't even it. I want to let you know, if you shoot me - -

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1 MR. HAWATMEH: (Incomprehensible). Please don't.
2 MR. BOURNE: - - we have all of the airplanes tracked with nanotechnology.
3 (Incomprehensible).
4 DISPATCHER: Okay. Okay. Nobody—nobody wants to shoot anybody, sir.
5 MR. BOURNE: I'm sorry to say, I already - - stop fucking - - you say one more word,
6 I'mma shoot him in the leg. I swear to god.
7 MR. HAWATMEH: Don't hurt me. (Screaming.)
8 MR. BOURNE: Okay. You piece - - he's really acting.
9 MR. HAWATMEH: Please don't shoot me. (Incomprehensible due to poor audio quality.)
10 MR. BOURNE: Okay. So, what I was saying is that (incomprehensible due to poor audio
11 quality). I have nano explosives inside of me. And I also control (incomprehensible due to
12 poor audio quality).
13 MR. HAWATMEH: (Incomprehensible due to poor audio quality.)
14 MR. BOURNE: (Incomprehensible due to poor audio quality). How many - - how many
15 have weapons? (Incomprehensible due to poor audio quality.) Ten seconds, so you're just -
16 MR. HAWATMEH: What's ten seconds?
17 MR. BOURNE: A lead, but now it's, like, five.
18 MR. HAWATMEH: I thought this was - - (makes a noise).
19 MR. BOURNE: But- - okay. Okay. You gotta act- -
20 MR. HAWATMEH: (Makes a noise).
21 MR. BOURNE: - - you gotta act, like, fake news - - fake news, bro.
22 MR. HAWATMEH: (Incomprehensible due to poor audio quality.)
23 MR. BOURNE: (Incomprehensible due to poor audio quality.) So - - so - - so, I was so
24 (incomprehensible) trying to say is that, if you shoot me, (incomprehensible due to poor
25 audio quality.)
26 MR. HAWATMEH: (Makes a noise.)
27 MR. BOURNE: I'm ambidextrous, and I am one percent of the world - -
28 MR. HAWATMEH: (Screaming.) Put it down, sir. Sir. Sir, get the ammo. Get - -

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1 MR. BOURNE: - - and if any American person dies - -
2 MR. HAWATMEH: Sir.
3 MR. BOURNE: - - in the next 24 hours - -
4 MR. HAWATMEH: (Incomprehensible). Is it okay now?
5 MR. BOURNE: I shoot him like a game. And this was the night to believe - -
6 MR. HAWATMEH: Get the ammo. Get the ammo, sir.
7 MR. BOURNE: I'm not ready for the ammo. Dude, you're getting out of script, bro.
8 MR. HAWATMEH: (Incomprehensible).
9 MR. BOURNE: But what I'm trying to say is that if I die, another one of my witches take
10 over. And if they die - - so, either way to put it, dog, this is The Purge. So, someone's
11 getting fucking shot.
12 MR. HAWATMEH: Yeah. But can - -
13 MR. BOURNE: I already shot, like, a baby, bro.
14 MR. HAWATMEH: But can you not, actually - -
15 MR. BOURNE: If I - - I - - I'm - - they - -
16 MR. HAWATMEH: Can you not point the gun at me, though?
17 MR. BOURNE: Oh - - so, what we're trying to say is, I want the Twins - - the Twins,
18 identify yourself. I saw you in a movie. Randall and - - oh, what's - - what's the other guys
19 name? The Twins from The Matrix 2? We just call them the Twins. The guys in the
20 flowing white robes who look like Brad Pitt. Yeah. We also want Brad Pitt, Angelina Jolie,
21 and - - I forgot to take my medication. But what - - who - - who else do you want? Who's
22 the finest girl in the world? And if you get it wrong, I have to shoot you.
23 MR. HAWATMEH: The finest girl in the world?
24 MR. BOURNE: Yeah. But, I mean - - let me rephrase the question, bro. Like - - like, we're
25 going to roleplay for a little bit. I think we'll - - XM Satellite Radio, 9.1 gigawatts. So,
26 dude, we gotta roleplay 'cause they're - - they got - - they're gonna shoot me. And - - and
27 guess what?
28 MR. HAWATMEH: Can you not point the gun?

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1 MR. BOURNE: One of the planes is gonna go down with these nanobots. And I don't
2 know which one it is, bro. So, I think there's a - - I think I got off track. Fuck, I hate it
3 when I do that. XM Satellite Radio, 9.1 gigawatts. The Purge, baby. Oh, you know what? I
4 want to tell you a story.
5 MR. HAWATMEH: But we have to be careful 'cause there's a police car here.
6 MR. BOURNE: So, there's - - you know how many guns are looking at us right now, bro?
7 We're on TV. Do you want to say hi to the cameras?
8 MR. HAWATMEH: Oh. Hi.
9 MR. BOURNE: Okay. Let's say hi. Look. Right up there. Go ahead and wave to them.
10 MR. HAWATMEH: Just can you put - - can you put the gun over there?
11 MR. BOURNE: Nope. Sorry. These are my rules. I don't go by rules.
12 MR. HAWATMEH: (Screaming.)
13 MR. BOURNE: Some rules are meant to be broken.
14 MR. HAWATMEH: Oh, Lord, please help me. Please help me. Jesus, help me.
15 MR. BOURNE: Oh, Jesus. I don't like that. That name should not be mentioned.
16 MR. HAWATMEH: What, God?
17 MR. BOURNE: I - - god?
18 MR. HAWATMEH: You don't like God?
19 MR. BOURNE: Only I can say that 'cause I'm a god.
20 MR. HAWATMEH: Oh.
21 MR. BOURNE: And my other witches were gods, too.
22 MR. HAWATMEH: What would you like me to call you?
23 MR. BOURNE: So, what I was trying to say is, I want the Twins, Randall and Ronald
24 Kokenburg or Under Armour. Fuck it, we'll take Under Armour, too. I want all of Under
25 Armour evacuated. What kind of shirt you got on, bro?
26 MR. HAWATMEH: Under Armour.
27 MR. BOURNE: Fuck, yeah, dude. My guy. I love Under Armour. You wanna be a model
28 for Under Armour, like - - a kid model? And, like, you wanna go to - - you know what I

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1 mean? Let's - - let's - - let's roleplay for a little bit. 'Cause I got, like, this is a fucking - -
2 what kind of car is this? Is this a 'Lac?
3 MR. HAWATMEH: Escalade.
4 MR. BOURNE: You like this car? It smells like new car in this mutherfucker. So, you
5 want to play some predictive programming real quick?
6 MR. HAWATMEH: What does that mean?
7 MR. BOURNE: Hold on. Let me - - let me tell you what it means. Hold on. Hey guys,
8 we'll be right back, but don't turn the station. We'll be right back with - - I'll be right back.
9 You can scream, baby. You're gonna like this. Wait, wait, wait. I'll be back. I'm back,
10 bitches. Pay back, mutherfucker. We gotta roleplay. Hold on. We'll be right back. Hold on.
11 (Whereupon, Mr. Bourne muted and unmuted his phone microphone.)
12 MR. HAWATMEH: Oh. Here's (incomprehensible.)
13 MR. BOURNE: Okay. Okay. Got - - okay. Go ahead. We're live.
14 MR. HAWATMEH: So, I would like Katy Perry to Staple Center by 12:30 p.m.
15 MR. BOURNE: No. No. No. Dog, okay, you gotta keep up with the accent. Well, I haven't
16 told you the accent, fuck. (Whereupon, a flash bomb sounded.)
17 MR. BOURNE: Oh. Here's a flash.
18 MR. HAWATMEH: Oh, my gosh.
19 MR. BOURNE: You better get down.
20 MR. HAWATMEH: Can we go home? (Make a sound.)
21 MR. BOURNE: Whoa, here it comes. They're gonna kill us.
22 MR. HAWATMEH: No. No. You will not shoot me, though?
23 MR. BOURNE: What?
24 MR. HAWATMEH: (Incomprehensible.)
25 MR. BOURNE: I have to shoot you (incomprehensible). You're fine.
26 MR. HAWATMEH: You could shoot her instead.
27 MR. BOURNE: Shoot her?
28 MR. HAWATMEH: Yeah. Instead of me.

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1 MR. BOURNE: So - - so - - so - - so - - so, tell her we want Katy Perry. What are you
2 trying to fucking say, bro?
3 MR. HAWATMEH: I want Katy Perry- -
4 MR. BOURNE: We want Katy Perry by - - at the Staples Center - -
5 MR. HAWATMEH: (Incomprehensible.)
6 MR. BOURNE: - - by zero dark 30 tonight. And then we'll tell you the rest of the shit. But
7 where's my fuckin'- - hey, you guys think I'm fucking around. I'm fin - - well I'm a need - -
8 well - - how - - how long did we give them for the chopper?
9 MR. HAWATMEH: We gave them - -
10 MR. BOURNE: You know? Fuck that. We want Arnold Schwarzenegger in this
11 mutherfucker. And we have a list - - hold on. Wait a minute. Let me switch hands.
12 MR. HAWATMEH: (Screaming.)
13 MR. BOURNE: What we're trying to say is that we have a list, and we have a lot of guns.
14 And we have a lot of witches. So, back to the scenario - - fuck. I need - - I didn't take my
15 medications. So, who does that? Who does that remind me of that doesn't take
16 medications? XM Satellite Radio 1.1 gigawatts.
17 MR. HAWATMEH: Okay. (Screaming.)
18 MR. BOURNE: Okay. I need you to open your mouth.
19 MR. HAWATMEH: No, sir.
20 MR. BOURNE: Is this gun loaded?
21 MR. HAWATMEH: Yeah.
22 MR. BOURNE: Do you think it is or should we test it out?
23 MR. HAWATMEH: No. We shouldn't test it out.
24 MR. BOURNE: You wanna suck my dick? I got raped when I was (incomprehensible due
25 to poor audio quality).
26 MR. HAWATMEH: (Incomprehensible.)
27 MR. BOURNE: Set it- - oh. Yeah, dog. Yeah. Instead of (incomprehensible due to poor
28 audio quality) let you suck my dick?

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1 MR. HAWATMEH: (Incomprehensible.)
2 MR. BOURNE: You wouldn't mind? Okay. You can suck my dick. You're going to
3 heaven, though.
4 MR. HAWATMEH: (Incomprehensible due to poor audio quality.)
5 MR. BOURNE: So, like, dude. So, what we're trying to say is that we want Randall and his
6 brother. Hey, but I think you gotta kill someone (Incomprehensible due to poor audio
7 quality.) We want - - we want Arnold Schwarzenegger (incomprehensible). Is that another
8 call? Who is that?
9 MR. HAWATMEH: (Incomprehensible due to poor audio quality.)
10 MR. BOURNE: (Incomprehensible due to poor audio quality.) Go ahead and answer that.
11 (Incomprehensible due to poor audio quality.)
12 MR. HAWATMEH: (Incomprehensible due to poor audio quality.)
13 MR. BOURNE: Dude, we're live, dog. Dog - - dog - - yo, motherfucking
14 (incomprehensible due to poor audio quality.) Have you heard of (incomprehensible)? We
15 were reading this these things (incomprehensible due to poor audio quality). Holy crap.
16 MR. HAWATMEH: What was that?
17 MR. BOURNE: (Incomprehensible due to poor audio quality.)
18 MR. HAWATMEH: No. No. (Screaming.)
19 MR. BOURNE: (Incomprehensible due to poor audio quality.)
20 MR. HAWATMEH: No. No. (Screaming).
21 MR. BOURNE: (Incomprehensible due to poor audio quality.)
22 MR. HAWATMEH: No. No. No. Please, no.
23 MR. BOURNE: Hand in the air - - interlock your fingers like this. (Incomprehensible due
24 to poor audio quality.)
25 MR. HAWATMEH: No. No. No. Please, don't.
26 MR. BOURNE: Whoa, whoa, whoa, whoa. You want me to take the gun off of you?
27 MR. HAWATMEH: Yes.
28 MR. BOURNE: Okay. I have the gun right down here.

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1 MR. HAWATMEH: Please (incomprehensible). Please.
2 MR. BOURNE: (Incomprehensible due to poor audio quality.) This gun's loaded.
3 MR. HAWATMEH: (Incomprehensible.)
4 MR. BOURNE: Do you want to die?
5 MR. HAWATMEH: (Screaming.)
6 MR. BOURNE: Guess what?
7 UNIDENTIFIED MALE 1: (Incomprehensible.)
8 MR. BOURNE: I'm a shoot him in the brain.
9 MR. HAWATMEH: No, no, no.
10 MR. BOURNE: Whoa. (Incomprehensible due to poor audio quality.)
11 MR. HAWATMEH: (Screaming.) Momma.
12 MR. BOURNE: He's dying.
13 MR. HAWATMEH: (Screaming.) Just please, don't shoot me. (Whereupon, a gunshot
14 sounded.)
15 MR. HAWATMEH: (Screams.) (Whereupon, multiple gunshots sounded.)
16 MR. BOURNE: Yeah. (Whereupon, a gunshot sounded.)
17 UNIDENTIFIED MALE OFFICER: Dude, are we going or what?
18 UNIDENTIFIED MALE OFFICER: We're going, yeah. We need to go. Yeah.
19 UNIDENTIFIED MALE OFFICER: Should I put it on one?
20 UNIDENTIFIED MALE OFFICER: (Incomprehensible.)
21 UNIDENTIFIED MALE OFFICER: I don't know. Just fucking go.
22 UNIDENTIFIED MALE OFFICER: I have (incomprehensible.) (Whereupon, multiple
23 people spoke simultaneously.)
24 UNIDENTIFIED MALE OFFICER: (Incomprehensible.) Shot's fired. Get out of the way.
25 Where's the guy? Get out the way. Get out the driver's side. Get out the driver's side.
26 UNIDENTIFIED MALE OFFICER: Go.
27 UNIDENTIFIED MALE OFFICER: The kid out? Is the kid out? Is the kid out? Is the kid
28 out?

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1 UNIDENTIFIED MALE OFFICER: No. (Whereupon, multiple gunshots sounded.)
2 (Whereupon, multiple officers spoke simultaneously.)
3 UNIDENTIFIED MALE OFFICER: Get the kid out. Get the kid out. Get the fucking kid
4 out. Get out. Get out. (Whereupon, multiple officers spoke simultaneously.)
5 UNIDENTIFIED MALE OFFICER: Watch your hands. Watch your hands.
6 UNIDENTIFIED MALE OFFICER: No.
7 UNIDENTIFIED FEMALE OFFICER: (Incomprehensible.) I'm okay. Take him out.
8 UNIDENTIFIED MALE OFFICER: Get him out.
9 UNIDENTIFIED MALE OFFICER: Swipe the little kid. Sweep. Sweep.
10 UNIDENTIFIED MALE OFFICER: I am. Here.
11 UNIDENTIFIED MALE OFFICER: Over here.
12 UNIDENTIFIED MALE OFFICER: Get him out. Get him out. (Whereupon, multiple
13 officers spoke simultaneously.)
14 UNIDENTIFIED FEMALE OFFICER: Get him out. Get him out.
15 UNIDENTIFIED MALE OFFICER: Stand back. Stand back.
16 UNIDENTIFIED FEMALE OFFICER: Pull him out. Pull him out. Pull him back.
17 UNIDENTIFIED MALE OFFICER: I got him. I got it. I got it. I got it.
18 UNIDENTIFIED MALE OFFICER: Move (incomprehensible) out of the way.
19 UNIDENTIFIED MALE OFFICER: I got him. I got him. Pull him back. Pull him back.
20 Pull him back. (Whereupon, multiple officers spoke simultaneously.)
21 UNIDENTIFIED MALE OFFICER: I called for it.
22 UNIDENTIFIED MALE OFFICER: Can you see?
23 UNIDENTIFIED MALE OFFICER: No, sir.
24 UNIDENTIFIED MALE OFFICER: Where's the guns at?
25 UNIDENTIFIED MALE OFFICER: I - - I can't see. I can't see.
26 UNIDENTIFIED MALE OFFICER: Okay. When you pull back, you know, just - - you
27 know, move back. (Incomprehensible.) Move back here. Let's see if we can get that other
28 window open and secure it. Okay. Move back onto here.

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1 CELL PHONE SPEAKER: (Incomprehensible.) Is everything okay? It's me,
2 (incomprehensible). Okay, papa? It's (incomprehensible.)
3 UNIDENTIFIED MALE OFFICER: I got him (incomprehensible).
4 CELL PHONE SPEAKER: It's (incomprehensible).
5 UNIDENTIFIED MALE OFFICER: It's not unlocking.
6 CELL PHONE SPEAKER: Who's this? Excuse me, sir.
7 UNIDENTIFIED MALE OFFICER: It's not unlocking.
8 CELL PHONE SPEAKER: Excuse me, sir. Hello?
9 (Incomprehensible due to poor audio quality.)
10 UNIDENTIFIED MALE OFFICER: Where's the kid at? Where's the kid?
11 UNIDENTIFIED MALE OFFICER: He's out.
12 UNIDENTIFIED MALE OFFICER: He's already been removed.
13 UNIDENTIFIED MALE OFFICER: He's out.
14 UNIDENTIFIED MALE OFFICER: He's already been removed. He's already been
15 removed.
16 UNIDENTIFIED MALE OFFICER: Somebody go (incomprehensible) apartments?
17 UNIDENTIFIED MALE OFFICER: I don't know. Just talk to him. (Incomprehensible.)
18 CELL PHONE SPEAKER: Hello? (Incomprehensible portion due to poor audio quality.)
19 Hello, sir? Hello? Hello? Hello? (Incomprehensible.) He answered, then
20 (incomprehensible). (Incomprehensible portion due to poor audio quality.)
21 UNIDENTIFIED MALE OFFICER: Go ahead. I'll cover. You guys pull him out of the
22 passenger's side - - the driver's side.
23 UNIDENTIFIED MALE OFFICER: Out of the driver's side?
24 CELL PHONE SPEAKER: Do you think he's up (incomprehensible)?
25 UNIDENTIFIED MALE OFFICER: Hey. Let me see, man. Hey, let me see, man. Let me
26 see, man.
27 UNIDENTIFIED MALE OFFICER: Movement?
28 UNIDENTIFIED MALE OFFICER: No. No movement.

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1 CELL PHONE SPEAKER: No movement? Hello? Hello? Hello?
2 UNIDENTIFIED MALE OFFICER: No. He's gotta come out the driver's side.
3 CELL PHONE SPEAKER: Hello?
4 UNIDENTIFIED MALE OFFICER: Unlock the door.
5 CELL PHONE SPEAKER: Hello?
6 UNIDENTIFIED MALE OFFICER: (Incomprehensible.)
7 CELL PHONE SPEAKER: (Incomprehensible.)
8 UNIDENTIFIED MALE OFFICER: Right. Yeah. That door's unlocked? No. Hit the
9 unlock. Amazed it did nothing.
10 UNIDENTIFIED MALE OFFICER: Do it again.
11 UNIDENTIFIED MALE OFFICER: Pull the door handle from the inside.
12 UNIDENTIFIED MALE OFFICER: Say it again.
13 UNIDENTIFIED MALE OFFICER: 413 anywhere?
14 UNIDENTIFIED MALE OFFICER: (Incomprehensible.) Yank him out, dude.
15 UNIDENTIFIED MALE OFFICER: The gun is on the - - on the seat.
16 CELL PHONE SPEAKER: Hello. Sir?
17 UNIDENTIFIED MALE OFFICER: (Incomprehensible).
18 UNIDENTIFIED MALE OFFICER: We need to (incomprehensible) inside the car.
19 (Incomprehensible) the car.
20 CELL PHONE SPEAKER: Hello? Hello?
21 UNIDENTIFIED MALE OFFICER: Double check his neck as much. (Incomprehensible.)
22 (Whereupon, multiple officers spoke simultaneously.)
23 CELL PHONE SPEAKER: Hello? Hello? Hello? Hello?
24 Hello? Hey. Hello? Hello? Hi. (Whereupon, multiple officers spoke simultaneously.)
25 UNIDENTIFIED MALE OFFICER: Are we sure they're coming out?
26 CELL PHONE SPEAKER: Hello? I'm trying to call my daughter (incomprehensible). I'm
27 driving back to my apartment. (Whereupon, multiple officers spoke simultaneously.)
28

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1 CELL PHONE SPEAKER: He has the one. (Incomprehensible) 1-244-7551. (Whereupon,
2 multiple officers spoke simultaneously.)

3 CELL PHONE SPEAKER: Okay. Hello? Thank you. Hello? Hello? Hello? (Whereupon,
4 multiple officers spoke simultaneously.)

5 UNIDENTIFIED MALE OFFICER: It says it's going on three, but we're going to give him
6 whirl. (Incomprehensible.) We got - - we've got Tony, and a two Dodge door, black
7 (incomprehensible).

8 UNIDENTIFIED MALE OFFICER: I don't know. I'm waiting for the police 'cause I need
9 that update.

10 CELL PHONE SPEAKER: Hello? Hello? Someone get yourself on. Hello? Hello? Hello?
11 Hello?

12 UNIDENTIFIED MALE OFFICER: What's that?

13 UNIDENTIFIED MALE OFFICER: Apartment 13-201. They're taking the ones that
14 (incomprehensible).

15 CELL PHONE SPEAKER: The apartment? Hello? Hello? (Whereupon, the audio
16 recording concluded.)

17 I certify that the foregoing is a true and accurate transcript of the recorded 911 telephone
18 call with a length of 00:29:47 in the above-entitled matter.

19 Janet Sandifer, Deputy City Clerk, and Victoria Oasis, Deputy City Clerk

20 Office of the City Clerk (702) 267-1408

21 11-10-2020

22 **EVENTS OUTSIDE THE ESCALADE**

23 112. On November 3, 2020, at approximately 11:04 a.m., a call for service was broadcasted by
24 HPD dispatch advising of a shooting at 1445 Stonelake Cove Ave apartment #13201. HPD
25 patrol arrived and confirmed there were multiple gunshot victims at which point on-duty
26 SWAT personnel began traveling to the above address. While enroute, an update was given
27 that the suspect was located inside of a vehicle at the above address with a twelve-year-old
28 boy and was making threats to kill the child. This prompted an emergency SWAT activation.

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- 1 SWAT personnel were arriving, when multiple gunshots were heard that resulted in the
2 deaths of Bourne and Joseph. The first three SWAT officers on-scene conducted a crisis
3 dress and began running to the scene of the Escalade, but Bourne and Joseph had succumbed
4 to the multiple gunshot wounds.
- 5 113. Upon arrival at the Complex, Smith advised Van Beveren via radio that she would remain
6 outside and run the scene and establish a perimeter.
- 7 114. At 11:10:30, Smith radio's in and asks "are you at the scene that I can start setting up on the
8 outside?"
- 9 115. At 11:15:47, the dispatcher says "she has __ on the line. He is saying that this man will kill
10 him."
- 11 116. At 11:18:42, an officer (CR6 - Officer S. Candland) advised via radio that there was a black
12 Escalade with two males inside that might be suspicious.
- 13 117. At 11:18:54, Smith appeared to turn her attention to the Escalade that was parked in the
14 parking lot right by her while having her duty weapon drawn. She was standing by the
15 driver's side of patrol vehicle #6001 at that point.
- 16 118. At 11:18:57, Smith was standing next to a HPD truck to cover the Building 13 balconies.
17 She turned and the camera showed the black Escalade parked to her left.
- 18 119. 11:20:10 hours, An officer (CR3 - Officer C. Chorens) advised everyone on the radio that
19 he was being told by an individual who lived in the Complex that there was a black Escalade
20 that was sitting there and something about a suspect. While that was being advised via radio,
21 Smith advised somebody that she had it right there and for them to move up.
- 22 120. At 11:20:20, Smith tried to get on the radio but wasn't successful as somebody else was on
23 the air. Smith then yelled, "Get off the air" and then told somebody it was right there and for
24 them to come up. At that point, Smith was standing underneath the carport just to the east of
25 the patrol vehicle that was parked behind patrol vehicle #6001.
- 26 121. At 11:20:45, Smith is ordering an officer to hold high (cover balcony).
- 27 122. At 11:20:49, As the male on radio is talking about the location, Smith says "I have the
28 Escalade, fuckers."

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- 1 123. At 11:20:55, Smith tells dispatch that she is trying to make contact with the Escalade and to
2 keep the air clear.
- 3 124. At 11:21:21, Smith, who had her duty weapon drawn, moved up to the front of the last
4 vehicle parked underneath the carport while her camera still showed a Smith view of the
5 driver's side of the Escalade and the Mustang and stated, "Let me see your hands, both of
6 you. Put your hands up, exit the vehicle".
- 7 125. At 11:21:32, Smith yelled, "Driver Driver".
- 8 126. At 11:21:47, Smith gets on her radio and informs the dispatcher and other officers "This
9 vehicle is going to be involved. It is going to be the suspect. I see a 12-year-old in the
10 passenger seat. I see the hands of the driver and the child. Keep the air clear".
- 11 127. At 11:22:11, Smith tells Officer Nelson to "come this way".
- 12 128. At 11:22:20, Smith asked for stop sticks via radio.
- 13 129. At 11:22:23, Smith states "Fuck! You guys, here we go." ... "We can't see his hands. I can't
14 see his hands. I see a kid."
- 15 130. At 11:22:34, Smith says "Calling it in - "(inaudible), the male has a gun." Dispatch
16 acknowledged by stating copy, male has a gun.
- 17 131. At 11:22:38, Smith then tells Officer Nelson and Officer Duffy "Somebody walk up with
18 me" ... "(GET) the best fucking shot" ... "(get the) ...best shot, best shot with the AR"...
19 "Walk up here with me. Walk up with me. Line up! Line up! Line Up!"
- 20 132. At 11:22:51, A male says "Watch the kid"
- 21 133. At 11:22:52, A female repeats "Watch the kid"
- 22 134. At 11:22:55 hours, Officer Duffy advised he had the kid out of his sights right now.
- 23 135. At 11:22:58, Smith gets on her radio and says "... (inaudible) suspect, we do see a 413 [gun],
24 the child has his hands up. They're going to be in the front of a black Escalade. The Escalade
25 is facing east"
- 26 136. At 11:23:10, Smith says "Duffy, Cover. Cover. Cover"
- 27 137. At 11:23:19 hours, Smith yelled, "Sir, step out of the vehicle, let's just talk. Let me see your
28 hands sir" while she still had her duty weapon drawn toward the Escalade. Smith's camera

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- 1 still had a clear view of the Escalade and the blue Mustang parked just one spot to the north
2 of the Escalade.
- 3 138. At all times relevant hereto, the windows of the Escalade were fully closed and all windows
4 were tinted, with the 2nd row passenger doors, cargo area and rear windows having dark tint.
5 The transcript of the Bourne 911 Call does not reflect any commands from Smith.
- 6 139. There is no evidence that Smith ever provided any warning to Bourne prior to the use of
7 lethal force. There is also no indication that Bourne ever heard Smith's commands.
- 8 140. At 11:23:42, A female voice over the radio states "he's saying open your mouth to the 12-
9 year-old. Do you want me to..."
- 10 141. At 11:23:46 hours, Smith asked dispatch to just talk to him and see if he would roll down
11 the window.
- 12 142. As is clear from the transcript of the Bourne 911 Call, the HPD 9-1-1 Dispatcher never
13 relayed that command to Bourne.
- 14 143. At 11:23:51, Smith says "Take a deep breath. Duffy, take a deep breath" ... "Do you have
15 your sights on him?" He responded "Yep."
- 16 144. 11:23:52 hours: Dispatch advised via radio that Bourne was just rambling telling the twelve-
17 year-old to answer the phone.
- 18 145. At 11:23:57, Officer Duffy told Smith he was in his sights. Smith then advised Officer Duffy
19 that if they saw the gun, they were using lethal force. Officer Duffy acknowledged Smith.
- 20 146. At 11:23:58, Smith then says "Where it would be easier to use lethal force. Take a second to
21 decide if we need to, we can go a little bit left."
- 22 147. At 11:24:06, Smith yells "Get me that shield Jesse [Lujan]"
- 23 148. At 11:24:08, Officer Duffy asked Smith "Let me know, too, if you see it." Smith replies "I
24 don't see it; I don't see. It's ok. It's ok."
- 25 149. At 11:24:17, a male officer says "He's choking him", and then Smith responds "No he's not.
26 He's not touching him. Let me have the radio. Stack up...Stack up!"
- 27 150. At 11:24:23, Smith asks ""Do you see the gun in his hand?"
- 28

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- 1 151. At 11:24:31, Smith says "'Hey Pendleton, swing (...), swing a little left a little bit. Swing
2 left." ... "Take the shot if you have it, Pendleton. DO NOT hit that fucking (1 shot was fired
3 at 11:24:36) kid."
- 4 152. 11:24:36: A single gunshot was fired by Pendleton which, upon information and belief,
5 struck Bourne. Based upon the transcript of the Bourne 911 Call, after the Pendleton shot at
6 11:24:36 a.m., no audible shots were fired inside the Escalade. However, immediately
7 thereafter, contagious gunfire erupted from various other officers at 11:24:38, riddling the
8 Escalade with bullets and, upon information and belief, striking and killing Joseph. During
9 and immediately after the contagious gunfire, Smith was yelling "Stop" and to "ceasefire".
- 10 153. Upon information and belief, Joseph was shot in the volley of contagious gunfire that
11 followed Pendleton's single shot at Bourne.
- 12 154. Pursuant to the Bourne 911 Call transcript, Joseph was alive and screaming after the
13 Pendleton shot, but he appeared mortally injured after the first volley of shots.
- 14 155. At 11:24:38, Smith was yelling "STOP!" "STOP" "STOP!" repeatedly
- 15 156. At 11:24:41, Gunshots stopped. Smith yells "Cease fire!" multiple times, as well as the male
16 officers by her.
- 17 157. 11:24:43, A single gunshot sounded.
- 18 158. 11:24:48 hours: Smith started to move west toward the rear of the Escalade, yelling "he's
19 down, he's down! Motherfucker!" She then advised the driver was dead, she saw him and
20 ordered them to come around. It should be noted that the rear window to the Escalade was
21 broken out and there was glass on the ground below the rear window.
- 22 159. 11:24:59 hours: Smith then yelled the vehicle was on the gas as she continued to move
23 around to the rear of the vehicle while still keeping her distance. She then requested Officer
24 Morgon with the shield.
- 25 160. 11:25:05 hours: Officers approached the Escalade, which had its engine revving, from the
26 rear and passenger side. It was at that point, one could see a large hole in the rear passenger
27 window on the passenger side and there was glass on the ground below that window.
- 28

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- 1 161. 11:25:10 hours: Officer Lujan attempted to open the front passenger door by pulling on the
2 outside handle, but the door didn't open. At that point, one could see Officer Pendleton on
3 the front driver's side of the vehicle and there was what appeared to be a small shattered hole
4 in the lower left portion of the front passenger window, possibly a projective hole.
- 5 162. 11:25:15 hours: An officer was heard yelling, "It's locked".
- 6 163. 11:25:18 hours: Officer Lujan took up a position directly behind the vehicle while pointing
7 his rifle inside of the rear window while yelling get out of the way. Officer Price was still
8 positioned at the front passenger door with his rifle pointed at the vehicle. Officer Morgon,
9 who had the shield with his duty weapon drawn, was slightly behind and off to Officer
10 Lujan's left and Officer Nameth was to Officer Morgen's left, on the driver's side. At this
11 point, Lujan set up through the shattered rear window and shot Bourne through the driver
12 seat headrest.
- 13 164. At 11:25:28, Officers were yelling (at Bourne) "get out of the driver side!"
- 14 165. 11:25:32 hours: Smith tried to get Officer Morgon and Officer Lujan to back up from the
15 rear of the vehicle.
- 16 166. 11:25:37 hours: Officer Lujan was heard yelling, "Is the kid out?"
- 17 167. 11:25:39-41, approximately six (6) more gunshots sounded while Smith was standing to the
18 northwest of the vehicle, just to the rear of the driver's side of the Mustang. When the footage
19 was slowed down, approximately seven (7) gunshots were heard.
- 20 168. At 11:28:02, Officer Lujan asked Smith if she was ok. She replied ""No! We took a fucking
21 head shot and you have open fire from behind"
- 22 169. At 11:28:41, Smith tells another Officer "...he (Bourne) put gun up to kid and we shot him.
23 And then everyone fired!"
- 24 170. A review of the Police Defendants' firearms through a firearm/ammunition countdown
25 revealed the following shots made by the officers:
- | | | |
|-----------------|----------|-----------|
| 26 a. Amezcuca | Glock 17 | 6 rounds |
| 27 b. Pendleton | Colt M4 | 1 round |
| 28 c. Anderson | Colt M4 | 10 rounds |

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- 1 175. Smith, Chiello and the Police Defendants knew SWAT was on its way to the Complex and
2 arrived as the last shots were fired. Smith failed to secure the scene to allow a SWAT
3 negotiator to perform alternatives to lethal force. It was the Police Defendants decision to
4 use lethal force to kill Bourne that ultimately lead to Joseph’s death.
- 5 176. The HPD Police Defendants’ failed to reassess and decelerate the events in light of the
6 information known to the HPD based upon the Bourne 911 Call. The situation required the
7 Police Defendants and HPD Supervisors, Smith, Van Beveren, along with commander
8 Chiello, to decelerate and invoke a hostage negotiation framework to effectuate the peaceful
9 resolution of the hostage standoff, much as provided by the Model Policy for Hostage
10 Situations proffered by the International Association of Chiefs of Police as a reasonable
11 standard of police practice, procedure and policy.
- 12 177. Critically, Smith’s decision and direction to Duffy and Pendleton to use lethal force was an
13 intentional act directed to kill Bourne, yet Smith’s absolute failure to reasonably
14 communicate to the other Police Defendants her decision to use lethal force in fact prompted
15 the reckless and negligent act to arbitrarily riddle the Escalade with bullets that Joseph did
16 not survive.
- 17 178. HPD acted intentionally, recklessly and unreasonably and failed to exercise reasonable
18 care in the use of excessive force to apprehend Bourne and utilized unreasonable police
19 tactics which lead to the unnecessary and unreasonable use of excessive force that resulted
20 in the death of Joseph as Bourne’s hostage, all as more particularly stated herein.
- 21 179. During the course of its response, HPD, the Police Defendants and their commander,
22 Chiello, failed to act reasonably and according to established and generally accepted
23 policing practices and procedures, at a minimum, by:
- 24 a. Failing to decelerate and defuse the scene and conduct a hostage scenario;
 - 25 b. Failing to take command by Chiello and Van Beveren and to supervise Smith and
26 stop the decision to exercise the intentional use of excessive force;
 - 27 c. Failing to create time for options to be put in place and distance to effectuate a non-
28 lethal force outcome;

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- 1 d. Failing to properly recognize a hostage taking event and implement generally
- 2 accepted reasonable police practice and procedure in response thereto;
- 3 e. Failing to communicate between and among officers, supervisors and 9-1-1
- 4 personnel, including but not limited to Smith's failure to advise all Police
- 5 Defendants that she had authorized lethal force against Bourne and to hold fire after
- 6 a shot was taken;
- 7 f. Failing to recognize and prevent the contagious and suppressive gunfire;
- 8 g. Failing to command and control the scene arising from the events in the Hawatmeh
- 9 Apartment;
- 10 h. Failing to formulate a plan;
- 11 i. Failing to create cover and concealment for the HPD officers;
- 12 j. Failing to designate proper contact and cover officers;
- 13 k. Failing to establish a single point of negotiation;
- 14 l. Failing to contact and control the vehicle until the arrival of a tactical negotiation;
- 15 m. Failing to immobilize the Escalade by blocking its egress;
- 16 n. Failing to consider less than lethal force.

17 180. Chief Andres failed to create, implement and enforce training, practices, protocols and
18 procedures related to the use of force and for dealing with hostage situations and was
19 deliberately indifferent regarding effect that these failures would have upon the public at
20 large.

21 181. Amezcua, Pendleton, Anderson, Price, Duffy, Hehn, Lujan and Smith acted with deliberate
22 indifference towards the safety and wellbeing of Joseph when each of them fired gunshots
23 into the Escalade.

24 182. As the ranking officers present at the scene, Chiello, Smith and Van Beveren failed to
25 properly ensure that the Police Defendants followed proper practices, protocols and
26 procedures related to the use of force and for dealing with hostage situations and otherwise
27 acted with deliberate indifference towards the safety and wellbeing of Joseph.

28

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1 183. HPD’s response to the hostage situation as a whole demonstrated deliberate indifference
2 towards the safety and wellbeing of Joseph.

3 **FIRST CAUSE OF ACTION**

4 **(Violations of Civil Rights to Life and Security of Person - 42 U.S.C. §1983)**

- 5 184. Plaintiffs incorporate by reference all prior paragraphs as though fully set forth herein.
- 6 185. Defendants, and each of them, acted under color of law in violating Plaintiffs’ rights
7 without lawful justification, and against well-established constitutional law. Defendants,
8 and each of them, should have used only the amount of force reasonably necessary to arrest
9 Bourne.
- 10 186. The HPD Defendants’ conduct subjected not only Bourne, but also Joseph, to excessive
11 force, thereby depriving Plaintiffs of certain constitutionally protected rights, including but
12 not limited to:
- 13 a. Joseph’s right not to be deprived of life or liberty without due process of law as
14 guaranteed by the Fifth and Fourteenth Amendments to the United States
15 Constitution;
 - 16 b. Joseph’s right to be free from excessive use of force by law enforcement officers as
17 guaranteed by the Fourth, Fifth and Fourteenth Amendments to the United States
18 Constitution
 - 19 c. Applicable Plaintiffs’ right to their familial relationship and association in violation
20 of due process of law.
- 21 187. Plaintiffs’ injuries were a direct and proximate result of the aforementioned violation of
22 rights conferred by the United States Constitution and the wrongful acts and omissions
23 perpetrated by Defendants while acting under the color of law and pursuant to customs,
24 policies, and/or procedures in violation of 42 U.S.C. §1983.
- 25 188. Plaintiffs, Iehab and Layth, witnessed the unlawful use of excessive and deadly force
26 against their son and brother, as applicable, and, together with Yasmeen, have since been
27 deprived of the full benefit of their familial relationship
28

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1 189. As a result, Iehab, Layth and Yasmeen suffered and will continue to suffer great fear,
2 physical and mental suffering, anguish, confusion, anxiety, and nervousness as a direct and
3 proximate result of the aforementioned violation of rights conferred by the United States
4 Constitution and the wrongful acts and omissions perpetrated by Defendants while acting
5 under the color of law and pursuant to customs, policies, and/or procedures in violation of
6 42 U.S.C. §1983.

7 190. Defendants’ wrongful conduct legally caused a deprivation of Iehab, Layth and Yasmeen’s
8 constitutionally protected liberty interest in familial companionship, love and society of
9 Joseph all to their damage in an amount to be proven at trial according to proof.

10 191. That as a direct and proximate result of the foregoing wrongful acts of the HPD
11 Defendants and each of them, Plaintiffs have been injured.

12 192. That the wrong and unlawful acts perpetrated by the HPD Defendants in intentionally
13 disregarding the constitutional rights of Plaintiffs were willful, oppressive, malicious and
14 with wanton disregard for the established rights of the Plaintiffs, and Plaintiffs are
15 therefore entitled to punitive damages.

16 **SECOND CAUSE OF ACTION**

17 **(Violation of Plaintiff’s Civil Rights - Municipal Liability - 42 U.S.C. §1983)**

18 193. Plaintiffs incorporate by reference all prior paragraphs as though fully set forth herein.

19 194. Defendants acted under color of law in committing the intentional acts and omissions
20 against the Plaintiffs without lawful justification and against well-established constitutional
21 law. Defendants’ conduct deprived Plaintiffs of certain constitutionally protected rights,
22 including but not limited to:

- 23 a. Joseph’s right not to be deprived of life or liberty without due process of law as
24 guaranteed by the Fifth and Fourteenth Amendments to the United States
25 Constitution;
- 26 b. Joseph’s right to be free from excessive use of force by law enforcement officers as
27 guaranteed by the Fourth, Fifth and Fourteenth Amendments to the United States
28 Constitution

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- 1 c. Applicable Plaintiffs’ right to their familial relationship and association in violation
2 of due process of law.
- 3 195. HPD and the City, and each of them, failed to properly train or modify their training of
4 Police Defendants and its other officers, in matters including, but not limited to the
5 reasonable and appropriate use of force during attempted arrests and intervention in the
6 excessive use of force by fellow officers as well as reasonable police customs, policies,
7 procedures and practices in hostage taking situations.
- 8 196. Hostage taking situations are a usual and recurring situation which law enforcement
9 agencies, officers and other agents encounter on a regular basis and should be a part of any
10 training program used to educate, train and qualify HPD officers.
- 11 197. HPD knew that its officers needed specific training on the generally accepted police
12 practices and procedures used in hostage situations in order to effectuate the best outcome
13 for the hostage and the use of force.
- 14 198. HPD and the City, with deliberate indifference to the rights of its citizens, failed to provide
15 adequate training to its officers.
- 16 199. HPD and the City were aware that deprivation of the constitutional rights of citizens was
17 likely to result from its lack of training and failure to modify its training.
- 18 200. HPD and the City were deliberately indifferent and exhibited reckless disregard with
19 respect to the potential violation of constitutional rights.
- 20 201. The failure to train and/or appropriately modify training constituted official HPD and City
21 policies, practices and/or customs.
- 22 202. The HPD and City’s failure to train and/or modify training was behind the acts and
23 omissions of the Police Defendants as alleged herein. As a direct and proximate result of
24 HPD and the City’s acts and omissions, Joseph suffered injuries, experienced pain and
25 suffering, and ultimately died.
- 26 203. As a direct and proximate result of the acts and omissions described herein, Joseph
27 suffered compensatory and special damages as defined under federal common law in an
28 amount to be determined by jury.

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1 204. Plaintiffs are entitled to recovery of costs, including reasonable attorneys' fees, pursuant to
2 42 U.S.C. §1988.

3 205. That as a proximate result of the foregoing wrongful acts of Defendants and each of them,
4 Plaintiffs have been injured.

5 206. That the wrong and unlawful acts perpetrated by Defendants in intentionally disregarding
6 the constitutional rights of Plaintiffs were willful, oppressive, malicious and with wanton
7 disregard for the established rights of the Plaintiffs, and Plaintiffs are therefore entitled to
8 punitive damages.

9 **THIRD CAUSE OF ACTION**

10 **(Violation of Plaintiff's Civil Rights - Familial Relationships - 42 U.S.C. §1983)**

11 207. Plaintiffs incorporate by reference all prior paragraphs as though fully set forth herein.

12 208. Defendants, acting under color of state law, deprived Plaintiffs of their right to a familial
13 relationship without due process of law by seizing Bourne by use of unreasonable,
14 unjustified and deadly force and violence, causing injuries which resulted in Joseph's death
15 due to contagious gunfire from the Police Defendants, all without appropriate police
16 procedures being utilized relating to a hostage taking and in violation of rights, privileges
17 and immunities secured by the First, Fourth and Fourteenth Amendments to the United
18 States Constitution, all to Plaintiffs' damage as hereinabove alleged.

19 209. That as a proximate result of the foregoing wrongful acts of Defendants, and each of them,
20 and of the death of Joseph, the applicable Plaintiffs have been deprived of the society, love,
21 comfort, companionship and services of Joseph.

22 210. That the wrong and unlawful acts perpetrated by the Defendants, and each of them, in
23 intentionally disregarding the constitutional rights of the Plaintiffs and Joseph were willful,
24 oppressive, malicious and with wanton disregard for the established rights of the Plaintiffs
25 and Joseph, and Plaintiffs are therefore entitled to punitive damages.

26 **FOURTH CAUSE OF ACTION**

27 **(Failure to Train and Supervise - 42 U.S.C. §1983)**

28 211. Plaintiffs incorporate by reference all prior paragraphs as though fully set forth herein.

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- 1 212. That upon information and belief, it was the policy and custom of HPD to inadequately
2 supervise and train its officer in the proper, reasonable, generally accepted police practices
3 in hostage scenarios, giving paramount concern to the safety of hostages by failing to
4 implement safety measures to protect hostages.
- 5 213. Plaintiffs are further informed and believe and thereon allege that Defendants knew, or in
6 the exercise of reasonable care should have known, of a history and propensity and pattern,
7 prior to and after the time of the use of excessive force upon Bourne and Joseph, for
8 officers of HPD, including but not limited to the Police Defendants and DOES 1 through
9 10, to use excessive force, use unreasonable police tactics which lead to the unnecessary
10 and unreasonable use of excessive force by the Police Defendants in the apprehension of
11 Bourne and the resultant killing of Joseph.
- 12 214. Andres and Defendants Does 1-10, failed to train, supervise or discipline the Police
13 Defendants who used excessive force; used unreasonable police practices, policies,
14 procedures and tactics which lead to the unnecessary and unreasonable use of excessive
15 force; used unreasonable, out-of policy or unconstitutional police tactics to investigate
16 police use of force incidents, or to investigate applicable personnel who may have been the
17 subject of prior complaints of allegations of similar conduct and those who had been the
18 subject of allegations in federal and state courts to have violated constitutional rights of
19 others in the course and scope and under color of law of their capacities as employees of
20 HPD.
- 21 215. Defendants' disregard of this knowledge or failure to adequately investigate and discover
22 this pattern, custom or practice of unconstitutional violations, or the existence of facts
23 which create the potential of unconstitutional acts, violated their duty to supervise, train
24 and instruct their subordinates to prevent similar acts to other persons and as a result
25 Plaintiffs were harmed in the manner threatened by the custom, pattern or practice.
- 26 216. Defendants' custom, practice and policy resulted in their failure to take steps to properly
27 train, supervise, investigate or instruct the Police Defendants and Does 1 through 10 use of
28

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excessive force, and this was a moving force in the use of excessive force upon Bourne and Joseph.

217. As a legal result of the conduct of Defendant DOES 1-10, as described above, Plaintiffs were damaged as alleged herein and as set forth above.

218. The above-described policies and practices demonstrate a deliberate indifference on the part of policymakers within HPD and the City to the constitution rights of persons involved in hostage situation, and were the cause of the violation of Decedent’s civil rights and ultimate death.

FIFTH CAUSE OF ACTION

(Deprivation of Civil Rights - 42 U.S.C. §1983 – Monell Violations)

219. Plaintiffs are informed and believe, and on the basis of such information and belief, allege that City, through HPD, with deliberate indifference and reckless disregard to the safety, security and constitutional and statutory rights of Plaintiffs, and all persons similarly situated, maintained, enforced, tolerated, permitted, acquiesced in, among other things, the lack of policies, procedures and/or training complained of in this cause of action have been set forth in previous paragraphs.

220. Plaintiffs are informed and believe and thereon allege that, at all times herein mentioned, the City and HPD, with deliberate indifference, and/or conscious or reckless disregard to the safety, security and constitutional and statutory rights of Plaintiffs and similarly situated citizens, including the right to due process of law under the Fourteenth Amendment, maintained, enforced, tolerated, ratified, permitted, acquiesced in, and/or failed to create policies, practices or trainings set forth above, regarding the use of force and methods of dealing with hostage situations.

221. The failure to create reasonable policies, procedures and training complained of in this claim caused the deprivation of Plaintiffs’ rights

222. The lack of reasonable policies, procedure and/or training was so closely related to the deprivation of Plaintiffs’ rights as to be a moving force that played a part in causing the ultimate injury.

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1 223. As a direct and proximate result of Defendants’ acts and omissions as alleged herein,
2 Plaintiffs was damaged as alleged above.

3 **SIXTH CAUSE OF ACTION**

4 **(Negligence)**

5 224. Plaintiffs incorporate by reference all prior paragraphs as though fully set forth herein.

6 225. That at all times mentioned herein, the HPD Defendants and each of them were subject to a
7 duty of care to avoid causing unnecessary physical harm and distress to citizens in the
8 exercise of the police function. The conduct of Defendants and each of them as set forth
9 herein did not comply with the standard of care to be exercised by reasonable police
10 officers.

11 226. Applicable Defendants had a duty to Plaintiffs to comply with the minimal HPD training
12 mandated for tactical firearms training; to not utilize careless or reckless police tactics that
13 could create a dangerous circumstance or heighten a situation of danger that could result in
14 the use of unnecessary force; to comply with the minimal HPD training mandated for
15 tactical firearms training; to cause the discharge of his firearm unless it was justified under
16 the totality of the circumstances; to respond appropriately to persons they believe are
17 suffering from a mental health episode without choosing to use deadly force before
18 determining Bourne posed an immediate threat to the safety of the officers or to others.

19 227. Defendant DOE supervisors 1-10, acting within the course and scope of their employment
20 with the HPD, had a duty to assure the competence of their employee/agents but breached
21 their duty and were negligent in the performance of their duties by selecting, hiring,
22 training, reviewing, periodically supervising, failing to supervise, evaluating the
23 competency and retaining the Police Defendants and/or employees and/or agents. This
24 breach of the duty of careful selection, hiring, training, review, supervision, periodic
25 evaluation of the competency, and retention of such officers, counselors and other staff
26 created an unreasonable risk of harm to persons such as Joseph and the Plaintiffs.

27 228. Defendants breached their duty by using excessive force against Bourne and Joseph that
28 proximately caused the death of Joseph.

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1 229. Defendants breached their duty of care by engaging in contagious gunfire that riddled the
2 Escalade without regard for and with deliberate indifference towards the safety and
3 wellbeing of Joseph.

4 230. As a direct and legal result of the aforesaid negligence, carelessness and unskillfulness of
5 Defendants, and each of them, and as a result of their breaches of their duty of care to
6 Bourne and Joseph, Joseph was unlawfully shot and killed.

7 231. That as a direct and proximate result of Defendants’ negligence as herein alleged, Plaintiffs
8 have been damaged in an amount to be proven at trial.

9 **SEVENTH CAUSE OF ACTION**

10 **(Intentional/Negligent Infliction of Emotional Distress)**

11 232. Plaintiffs incorporate by reference all prior paragraphs as though fully set forth herein.

12 233. Defendants intentionally, wantonly, or in reckless disregard for the consequences to
13 Plaintiffs proximately caused Plaintiffs to suffer great emotional trauma, by the unlawful
14 shooting of Joseph.

15 234. In doing the foregoing wrongful acts, Defendants, and each of them, acted in reckless and
16 callous disregard for the rights of the Plaintiffs. As a direct result of Defendants’ actions,
17 Plaintiffs suffered severe emotional distress and mental anguish, which caused them to
18 sustain serious injuries to their person and mind, and they have incurred and will continue
19 to incur medical expenses and a and impairment of earnings, all to their damage in a sum
20 to be shown according to proof and within the jurisdiction of this Court.

21 235. That the conduct of Defendants and each of them who are yet to be identified as set forth
22 herein was extreme and outrageous and done with the intent to cause Plaintiffs extreme
23 emotional distress.

24 236. That the wrong and unlawful acts perpetuated by the Defendants and each of them in
25 intentionally inflicting emotional distress upon Plaintiffs was the direct and proximate
26 cause of Plaintiffs suffering damages in an amount to be proven at trial.

27 //

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EIGHTH CAUSE OF ACTION

(Wrongful Death)

- 237. Plaintiffs incorporate by reference all prior paragraphs as though fully set forth herein.
- 238. Plaintiffs, as applicable, upon information and belief, allege that Defendants, and each of them, are responsible by their actions for the occurrences and injuries herein alleged.
- 239. Defendants intentionally, wantonly, willfully, maliciously, oppressively and without just provocation or cause proximately brought about the death of Joseph and the injuries sustained by Plaintiffs by shooting Joseph to death. The HPD ratified the conduct of the Police Defendants.
- 240. That the wrong and unlawful acts perpetrated by the Defendants, and each of them, in intentionally disregarding the rights of the Plaintiffs and Joseph were willful, oppressive, malicious and with wanton disregard for the established rights of the Plaintiffs and Joseph, and therefore Plaintiffs are entitled to an award of punitive damages.
- 241. As a direct and proximate result of Defendants' conduct as herein alleged, Plaintiffs and the Joseph have been damaged in an amount to be proven at trial

NINTH CAUSE OF ACTION

(Negligent Supervision and Training)

- 242. Plaintiffs incorporate by reference all prior paragraphs as though fully set forth herein.
- 243. Upon information and belief, HPD had prior notice of the Police Defendants' lack of training in the areas of the use of deadly and non-deadly force to apprehend suspects, the use of firearms, and the appropriate police practices and procedures to apply in hostage taking situations. Defendant HPD took no steps to re-train the Police Defendants, correct their abuse of authority, discourage their misconduct and/or to properly train the Police Defendants in the proper practices and procedures related to hostage situation management.
- 244. HPD has a mandatory duty to properly and adequately train and supervise its officers and personnel under its control so as to avoid an unreasonable risk of harm to the citizens of Clark County.

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1 245. HPD failed to take necessary, appropriate and/or adequate measures to prevent the
2 violation of the Decedent's and Plaintiff's constitutional and state rights.
3 246. HPD breached their duty of care to the Plaintiffs and Joseph in that they failed to
4 adequately train and supervise their officers by having inadequate training and
5 supervisory procedures regarding seizures, the use of deadly and non-deadly force to
6 apprehend suspects, and the use of firearms by officers.
7 247. As a direct and proximate result of Defendants' negligence as herein alleged,
8 248. Plaintiffs have been damaged in an amount to be proven at trial
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TENTH CAUSE OF ACTION

(Attorneys' Fees and Costs)

249. Plaintiffs have been required to retain the services of Roger P. Croteau & Associates, Ltd., to prosecute this action and should be awarded their reasonable costs, expenses and attorneys' fees incurred herein pursuant to 42 U.S.C. §§1983 and 1988 and all relevant Nevada Revised Statutes regarding the state claims.

WHEREFORE, Plaintiffs request relief on their own behalf, as follows, and according to proof, against each Defendant as follows:

1. General and compensatory damages in an amount according to proof;
2. Special damages in an amount according to proof;
3. Exemplary and punitive damages in an amount according to proof;
4. Costs of suit, including attorneys' fees, under 42 U.S.C. §1988, and any other applicable provision of law; and,
5. Such other relief as may be warranted or as is just and proper.

DATED this 25th day of October 2022.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/Roger P. Croteau
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