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9  
 10 **IN THE UNITED STATES DISTRICT COURT**  
 11 **FOR THE DISTRICT OF ARIZONA**

12 Maxima Guerrero Sanchez; Talleah  
 Alvarado; Alexander Anderson; Tierra  
 Colter; Osama Daood; Corina Garcia;  
 13 Shane Haisten; Anthony Harding; Jeanette  
 Hunt; Latanja Jackson; Brandon LeMar;  
 14 Erika Martin; Charlinda Martinez; Sierra  
 McMartin; Marco Nevarez; Darric  
 15 Newman; Corey Niass; Dylan Southworth;  
 Jordan Thomas; Angela Tierney; Melodie  
 16 Vanek; Ajani Williams; and Emmalee  
 Zenko, individually and as class  
 17 representatives,

18 Plaintiffs,

19 vs.

20 City of Phoenix, a municipal corporation;  
 21 Jeri Williams; Dennis Orender; Douglas  
 McBride; and Benjamin Moore,

22 Defendants.  
 23

Case No.

**CLASS COMPLAINT IN CIVIL  
 ACTION FOR DETERMINATION OF  
 CLASS LIABILITY AND  
 INJUNCTIVE RELIEF**

**Fed. R. Civ. P. 38(b)(1) Notice of  
 Demand for Trial by Jury**

1 [Additional counsel cont. from first page]

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1     **CLASS COMPLAINT IN CIVIL ACTION FOR DETERMINATION OF CLASS**  
2                             **LIABILITY AND FOR INJUNCTIVE RELIEF**

3             NOW COMES the Plaintiffs on their individual behalf, and on behalf of the class  
4 of individuals that they seek to represent, by and through their lawyers, to file the within  
5 Class Complaint in Civil Action for a Determination of Class Liability and for Injunctive  
6 Relief, and in support thereof aver that:

7   **INTRODUCTION**

8             History will remember May 25, 2020 as the day that Derek Chauvin of the  
9 Minneapolis Police Department murdered George Floyd, an unarmed Black man who was  
10 reported for having committed what can only be described as a petty crime: the use of a  
11 counterfeit \$20.00 bill. A much smaller part of the world—Phoenix, Arizona—will  
12 remember May 25, 2020 as the day that George Floyd was the *second* Black man murdered  
13 by the government on May 25, 2020... the first was Dion Johnson. Mr. Johnson was not  
14 reported for any crime whatsoever but was merely taking a nap in his immobilized vehicle  
15 on the Loop 101 as he waited for help. When police arrived, he was thought to be severely  
16 intoxicated and non-responsive. For reasons that only they know for sure, officers in this  
17 jurisdiction shot Mr. Johnson to death.

18             When the video of Mr. Floyd’s murder zoomed around the world by way of social  
19 media, the protests that were already brewing in Phoenix, Arizona were drowned out by  
20 citizens all over the county, indeed the world, against police brutality. While the world will  
21 remember Mr. Floyd, Mr. Johnson may be but a footnote in the history books. That footnote  
22 will include the story of the 124 people who were arrested for existing in downtown  
23 Phoenix, brutalized in the summer heat, and then illegally booked into jail. That footnote

1 will also include the story of the heroic initial appearance judges who immediately saw  
2 through the façade and, instead of setting bail, dismissed the trumped-up charges of  
3 “rioting.” This lawsuit is the primordial soup of that footnote.

4 **PARTIES, JURISDICTION, AND VENUE**

5 1. Plaintiff and proposed class representative Maxima Guerrero Sanchez is, and  
6 was at all relevant times, a resident of Maricopa County. Ms. Guerrero was in downtown  
7 Phoenix, Arizona on the evening of May 30, 2020 to associate with peaceful protesters,  
8 and provide them with fluids. Because she was in that location on that date and timeframe,  
9 she was arrested by the police, detained for hours in a poorly ventilated police vehicle  
10 without access to fluids or restroom facilities with numerous strangers, and sent to jail for  
11 “felony rioting.” In the course of her arrest, she was threatened by the police, who caused  
12 her to be in fear for her own physical safety. The probable cause statement used to justify  
13 her arrest was the same cut-and-paste probable cause statement used against 123 other  
14 individuals who were in downtown Phoenix, Arizona on the evening of May 30, 2020.  
15 Upon information and belief, including but not exclusively limited to the police statement  
16 reproduced *infra*, the Defendants conspired to falsely charge felony offenses against the  
17 Plaintiffs with the specific purpose of suppressing their actual and/or suspected First  
18 Amendment activities. All 124 individuals had their criminal cases dismissed at their Initial  
19 Appearances. Despite the immediate dismissal of criminal charges, Ms. Guerrero was  
20 forced into immigration proceedings.

21 2. Plaintiff and proposed class representative Talleah Alvarado is, and was at  
22 all relevant times, a resident of Maricopa County. Ms. Alvarado was in downtown  
23 Phoenix, Arizona on the evening of May 30, 2020 to express her opposition to the police

1 murders of George Floyd and Dion Johnson, and to express her support for the Movement  
2 for Black Lives. Because she was in that location on that date and timeframe, she was  
3 subject to indiscriminate use of tear gas and/or pepper spray and/or pepper balls and/or  
4 rubber bullets, and inhaled said chemical agents thereby being subjected to pain. As a direct  
5 and proximate result of the actions of police, including but not limited to their  
6 indiscriminate use of tear gas and/or pepper spray and/or pepper balls and/or rubber bullets,  
7 Ms. Alvarado's willingness to continue engaging in her First Amendment activities was  
8 extinguished, and she decided to leave the area. She was then arrested by the police and  
9 sent to jail for "felony rioting." In the course of her arrest, she was threatened by the police,  
10 shot at with rubber bullets that caused damage to her personal property, and caused her to  
11 be in fear for her own physical safety. The probable cause statement used to justify her  
12 arrest was the same cut-and-paste probable cause statement used against 123 other  
13 individuals who were in downtown Phoenix, Arizona on the evening of May 30, 2020.  
14 Upon information and belief, including but not exclusively limited to the police statement  
15 reproduced *infra*, the Defendants conspired to falsely charge felony offenses against the  
16 Plaintiffs with the specific purpose of suppressing their actual and/or suspected First  
17 Amendment activities. All 124 individuals had their criminal cases dismissed at their Initial  
18 Appearances.

19         3. Plaintiff and proposed class representative Alexander Anderson is, and was  
20 at all relevant times, a resident of Maricopa County. Mr. Anderson was in downtown  
21 Phoenix, Arizona on the evening of May 30, 2020 to express his support for the Movement  
22 for Black Lives. Because he was in that location on that date and timeframe, he witnessed  
23 the indiscriminate use of tear gas and/or pepper spray and/or pepper balls and/or rubber

1 bullets. As a direct and proximate result of the actions of police, including but not limited  
2 to their indiscriminate use of tear gas and/or pepper spray and/or pepper balls and/or rubber  
3 bullets, Mr. Anderson's willingness to continue engaging in his First Amendment activities  
4 was extinguished, and he decided to leave the area. He was then arrested by the police and  
5 sent to jail for "felony rioting." In the course of his arrest, he was threatened by the police,  
6 shot at with rubber bullets that caused damage to his personal property, and caused him to  
7 be in fear for his own physical safety. The probable cause statement used to justify his  
8 arrest was the same cut-and-paste probable cause statement used against 123 other  
9 individuals who were in downtown Phoenix, Arizona on the evening of May 30, 2020.  
10 Upon information and belief, including but not exclusively limited to the police statement  
11 reproduced *infra*, the Defendants conspired to falsely charge felony offenses against the  
12 Plaintiffs with the specific purpose of suppressing their actual and/or suspected First  
13 Amendment activities. All 124 individuals had their criminal cases dismissed at their Initial  
14 Appearances.

15 4. Plaintiff and proposed class representative Tierra Colter is, and was at all  
16 relevant times, a resident of Maricopa County. Ms. Colter was in downtown Phoenix,  
17 Arizona on the evening of May 30, 2020 to criticize police violence. Because she was in  
18 that location on that date and timeframe, she was subjected to indiscriminate use of tear  
19 gas and/or pepper spray and/or pepper balls and/or rubber bullets, and inhaled said  
20 chemical agents thereby being subjected to pain. As a direct and proximate result of the  
21 actions of police, including but not limited to their indiscriminate use of tear gas and/or  
22 pepper spray and/or pepper balls and/or rubber bullets, Ms. Colter's willingness to continue  
23 engaging in her First Amendment activities was extinguished, and she decided to leave the

1 area. She was then arrested by the police, detained for hours in a poorly ventilated police  
2 vehicle without access to fluids or restroom facilities, with numerous strangers, and sent to  
3 jail for “felony rioting.” In the course of her arrest, she was threatened by the police, who  
4 caused her to be in fear for her own physical safety. The probable cause statement used to  
5 justify her arrest was the same cut-and-paste probable cause statement used against 123  
6 other individuals who were in downtown Phoenix, Arizona on the evening of May 30,  
7 2020. Upon information and belief, including but not exclusively limited to the police  
8 statement reproduced *infra*, the Defendants conspired to falsely charge felony offenses  
9 against the Plaintiffs with the specific purpose of suppressing their actual and/or suspected  
10 First Amendment activities. All 124 individuals had their criminal cases dismissed at their  
11 Initial Appearances.

12           5. Plaintiff and proposed class representative Osama Daood is, and was at all  
13 relevant times, a resident of Maricopa County. Mr. Daood was in downtown Phoenix,  
14 Arizona on the evening of May 30, 2020 to observe those who were expressing their  
15 opposition to the police murders of George Floyd and Dion Johnson. As a direct and  
16 proximate result of the actions of police, including but not limited to their indiscriminate  
17 use of tear gas and/or pepper spray and/or pepper balls and/or rubber bullets, Mr. Daood’s  
18 willingness to continue engaging in his First Amendment activities was extinguished, and  
19 he decided to leave the area. Because he was in that location on that date and timeframe,  
20 he was arrested by the police and sent to jail for “felony rioting.” The probable cause  
21 statement used to justify his arrest was the same cut-and-paste probable cause statement  
22 used against 123 other individuals who were in downtown Phoenix, Arizona on the evening  
23 of May 30, 2020. Upon information and belief, including but not exclusively limited to the

1 police statement reproduced *infra*, the Defendants conspired to falsely charge felony  
2 offenses against the Plaintiffs with the specific purpose of suppressing their actual and/or  
3 suspected First Amendment activities. All 124 individuals had their criminal cases  
4 dismissed at their Initial Appearances.

5         6. Plaintiff and proposed class representative Corina Garcia is, and was at all  
6 relevant times, a resident of Maricopa County. Ms. Garcia was in downtown Phoenix,  
7 Arizona on the evening of May 30, 2020 for supper. Because she was in that location on  
8 that date and timeframe, she was arrested by the police, detained for hours in a poorly  
9 ventilated police vehicle without access to fluids or restroom facilities, with numerous  
10 strangers, and sent to jail for “felony rioting.” In the course of her arrest, she was threatened  
11 by the police, who caused her to be in fear for her own physical safety. Upon information  
12 and belief, the police actions described herein directly and proximately caused the  
13 involuntary and spontaneous abortion of her child. The probable cause statement used to  
14 justify her arrest was the same cut-and-paste probable cause statement used against 123  
15 other individuals who were in downtown Phoenix, Arizona on the evening of May 30,  
16 2020. Upon information and belief, including but not exclusively limited to the police  
17 statement reproduced *infra*, the Defendants conspired to falsely charge felony offenses  
18 against the Plaintiffs with the specific purpose of suppressing their actual and/or suspected  
19 First Amendment activities. All 124 individuals had their criminal cases dismissed at their  
20 Initial Appearances.

21         7. Plaintiff and proposed class representative Shane Haisten is, and was at all  
22 relevant times, a resident of Maricopa County. Mr. Haisten was in downtown Phoenix,  
23 Arizona on the evening of May 30, 2020 to express his opposition to the police murders of



1 George Floyd and Dion Johnson. As a direct and proximate result of the actions of police,  
2 including but not limited to their indiscriminate use of tear gas and/or pepper spray and/or  
3 pepper balls and/or rubber bullets, Mr. Haisten's willingness to continue engaging in his  
4 First Amendment activities was extinguished, and he decided to leave the area. Because he  
5 was in that location on that date and timeframe, he was arrested by the police and sent to  
6 jail for "felony rioting." In the course of his arrest, police stated that they would be unable  
7 to hold any of the arrested persons in custody unless they were all charged with a felony  
8 offense. The probable cause statement used to justify his arrest was the same cut-and-paste  
9 probable cause statement used against 123 other individuals who were in downtown  
10 Phoenix, Arizona on the evening of May 30, 2020. Upon information and belief, including  
11 but not exclusively limited to the police statement reproduced *infra*, the Defendants  
12 conspired to falsely charge felony offenses against the Plaintiffs with the specific purpose  
13 of suppressing their actual and/or suspected First Amendment activities. All 124  
14 individuals had their criminal cases dismissed at their Initial Appearances.

15 8. Plaintiff and proposed class representative Dylan Southworth is, and was at  
16 all relevant times, a resident of Maricopa County. Mr. Southworth was in downtown  
17 Phoenix, Arizona on the evening of May 30, 2020 to express his opposition to the police  
18 murders of George Floyd and Dion Johnson. As a direct and proximate result of the actions  
19 of police, including but not limited to their indiscriminate use of tear gas and/or pepper  
20 spray and/or pepper balls and/or rubber bullets, Mr. Southworth's willingness to continue  
21 engaging in his First Amendment activities was extinguished, and he decided to leave the  
22 area. Because he was in that location on that date and timeframe, he was arrested by the  
23 police and sent to jail for "felony rioting." In the course of his arrest, police stated that they

1 would be unable to hold any of the arrested persons in custody unless they were all charged  
2 with a felony offense. The probable cause statement used to justify his arrest was the same  
3 cut-and-paste probable cause statement used against 123 other individuals who were in  
4 downtown Phoenix, Arizona on the evening of May 30, 2020. Upon information and belief,  
5 including but not exclusively limited to the police statement reproduced *infra*, the  
6 Defendants conspired to falsely charge felony offenses against the Plaintiffs with the  
7 specific purpose of suppressing their actual and/or suspected First Amendment activities.  
8 All 124 individuals had their criminal cases dismissed at their Initial Appearances.

9       9. Plaintiff and proposed class representative Anthony Harding is, and was at  
10 all relevant times, a resident of Maricopa County. Mr. Harding was in downtown Phoenix,  
11 Arizona on the evening of May 30, 2020 to express his support for the Movement for Black  
12 Lives. Because he was in that location on that date and timeframe, he was subjected to  
13 indiscriminate use of tear gas and/or pepper spray and/or pepper balls and/or rubber bullets,  
14 and was struck by a tear gas canister which burned his body thereby subjecting him to pain  
15 and he was arrested by the police and sent to jail for “felony rioting.” In the course of his  
16 arrest, Defendant Officer Who Arrested Harding kneeled on Harding’s back directly and  
17 proximately causing additional physical pain. The probable cause statement used to justify  
18 his arrest was the same cut-and-paste probable cause statement used against 123 other  
19 individuals who were in downtown Phoenix, Arizona on the evening of May 30, 2020.  
20 Upon information and belief, including but not exclusively limited to the police statement  
21 reproduced *infra*, the Defendants conspired to falsely charge felony offenses against the  
22 Plaintiffs with the specific purpose of suppressing their actual and/or suspected First  
23 Amendment activities. All 124 individuals had their criminal cases dismissed at their Initial

1 Appearances.

2 10. Plaintiff and proposed class representative Jeanette Hunt is, and was at all  
3 relevant times, a resident of Maricopa County. Ms. Hunt was in downtown Phoenix,  
4 Arizona on the evening of May 30, 2020 to drive friends home. Because she was in that  
5 location on that date and timeframe, she was arrested by the police, detained for hours in a  
6 poorly ventilated police vehicle without access to fluids or restroom facilities with  
7 numerous strangers, and sent to jail for “felony rioting.” In the course of her arrest, she was  
8 threatened by the police, who caused her to be in fear for her own physical safety. The  
9 probable cause statement used to justify her arrest was the same cut-and-paste probable  
10 cause statement used against 123 other individuals who were in downtown Phoenix,  
11 Arizona on the evening of May 30, 2020. All 124 individuals had their criminal cases  
12 dismissed at their Initial Appearances.

13 11. Plaintiff and proposed class representative Latanjra Jackson is, and was at all  
14 relevant times, a resident of Maricopa County. Ms. Jackson was in downtown Phoenix,  
15 Arizona on the evening of May 30, 2020 to drive friends home. Because she was in that  
16 location on that date and timeframe, she was arrested by the police, detained for hours in a  
17 poorly ventilated police vehicle without access to fluids or restroom facilities with  
18 numerous strangers, and sent to jail for “felony rioting.” In the course of her arrest, she was  
19 threatened by the police, who caused her to be in fear for her own physical safety. The  
20 probable cause statement used to justify her arrest was the same cut-and-paste probable  
21 cause statement used against 123 other individuals who were in downtown Phoenix,  
22 Arizona on the evening of May 30, 2020. All 124 individuals had their criminal cases  
23 dismissed at their Initial Appearances.

1           12. Plaintiff and proposed class representative Brandon LeMar is, and was at all  
2 relevant times, a resident of Maricopa County. Mr. LeMar was in downtown Phoenix,  
3 Arizona on the evening of May 30, 2020 to drive someone home. Because he was in that  
4 location on that date and timeframe, he was arrested by the police and sent to jail for “felony  
5 rioting.” In the course of his arrest, he was threatened by the police, who caused him to be  
6 in fear for his own physical safety. The probable cause statement used to justify his arrest  
7 was the same cut-and-paste probable cause statement used against 123 other individuals  
8 who were in downtown Phoenix, Arizona on the evening of May 30, 2020. All 124  
9 individuals had their criminal cases dismissed at their Initial Appearances.

10           13. Plaintiff and proposed class representative Erika Martin is, and was at all  
11 relevant times, a resident of Maricopa County. Ms. Martin was in downtown Phoenix,  
12 Arizona on the evening of May 30, 2020 to drive someone home. Because she was in that  
13 location on that date and timeframe, she was arrested by the police and sent to jail for  
14 “felony rioting.” In the course of her arrest, she was threatened by the police, who caused  
15 her to be in fear for her own physical safety. The probable cause statement used to justify  
16 her arrest was the same cut-and-paste probable cause statement used against 123 other  
17 individuals who were in downtown Phoenix, Arizona on the evening of May 30, 2020. All  
18 124 individuals had their criminal cases dismissed at their Initial Appearances.

19           14. Plaintiff and proposed class representative Charlinda Martinez is, and was at  
20 all relevant times, a resident of Maricopa County. Ms. Martinez was in downtown Phoenix,  
21 Arizona on the evening of May 30, 2020 to observe those who were expressing their  
22 opposition to the police murders of George Floyd and Dion Johnson. Because she was in  
23 that location on that date and timeframe, she was arrested by the police, detained for hours

1 in a poorly ventilated police vehicle without access to fluids or restroom facilities with  
2 numerous strangers, and sent to jail for “felony rioting.” In the course of her arrest, she was  
3 threatened by the police, who caused her to be in fear for her own physical safety. The  
4 probable cause statement used to justify her arrest was the same cut-and-paste probable  
5 cause statement used against 123 other individuals who were in downtown Phoenix,  
6 Arizona on the evening of May 30, 2020. All 124 individuals had their criminal cases  
7 dismissed at their Initial Appearances.

8 15. Plaintiff and proposed class representative Sierra McMartin is, and was at all  
9 relevant times, a resident of Maricopa County. Ms. McMartin was in downtown Phoenix,  
10 Arizona on the evening of May 30, 2020 to express her opposition to the police murders of  
11 George Floyd and Dion Johnson. Because she was in that location on that date and  
12 timeframe, she was subject to indiscriminate use of tear gas and/or pepper spray and/or  
13 pepper balls and/or rubber bullets, and inhaled said chemical agents thereby being  
14 subjected to pain. As a direct and proximate result of the actions of police, including but  
15 not limited to their indiscriminate use of tear gas and/or pepper spray and/or pepper balls  
16 and/or rubber bullets, Ms. McMartin’s willingness to continue engaging in her First  
17 Amendment activities was extinguished, and she decided to leave the area. She was then  
18 arrested by the police, detained for hours in a poorly ventilated police vehicle without  
19 access to fluids or restroom facilities with numerous strangers, and sent to jail for “felony  
20 rioting.” In the course of her arrest, police stated that “Jeri Williams” made the decision to  
21 arrest her. The probable cause statement used to justify his arrest was the same cut-and-  
22 paste probable cause statement used against 123 other individuals who were in downtown  
23 Phoenix, Arizona on the evening of May 30, 2020. Upon information and belief, including

1 but not exclusively limited to the police statement reproduced *infra*, the Defendants  
2 conspired and/or Jeri Williams ordered the police to arrest everyone in the area and falsely  
3 charge felony offenses against the Plaintiffs with the specific purpose of suppressing their  
4 actual and/or suspected First Amendment activities. All 124 individuals had their criminal  
5 cases dismissed at their Initial Appearances.

6 16. Plaintiff and proposed class representative Emmalee Zenko is, and was at all  
7 relevant times, a resident of Maricopa County. Ms. Zenko was in downtown Phoenix,  
8 Arizona on the evening of May 30, 2020 to express her opposition to the police murders of  
9 George Floyd and Dion Johnson. Because she was in that location on that date and  
10 timeframe, she was subject to indiscriminate use of tear gas and/or pepper spray and/or  
11 pepper balls and/or rubber bullets, and inhaled said chemical agents thereby being  
12 subjected to pain. As a direct and proximate result of the actions of police, including but  
13 not limited to their indiscriminate use of tear gas and/or pepper spray and/or pepper balls  
14 and/or rubber bullets, Ms. Zenko's willingness to continue engaging in her First  
15 Amendment activities was extinguished, and she decided to leave the area. She was then  
16 arrested by the police, detained for hours in a poorly ventilated police vehicle without  
17 access to fluids or restroom facilities with numerous strangers, and sent to jail for "felony  
18 rioting." The probable cause statement used to justify his arrest was the same cut-and-paste  
19 probable cause statement used against 123 other individuals who were in downtown  
20 Phoenix, Arizona on the evening of May 30, 2020. All 124 individuals had their criminal  
21 cases dismissed at their Initial Appearances.

22 17. Plaintiff and proposed class representative Marco Nevarez is, and was at all  
23 relevant times, a resident of Maricopa County. Mr. Nevarez was in downtown Phoenix,

1 Arizona on the evening of May 30, 2020 to express his opposition to the police murders of  
2 George Floyd and Dion Johnson and to observe law enforcement. Because he was in that  
3 location on that date and timeframe, he was arrested by the police and sent to jail for “felony  
4 rioting.” The probable cause statement used to justify his arrest was the same cut-and-paste  
5 probable cause statement used against 123 other individuals who were in downtown  
6 Phoenix, Arizona on the evening of May 30, 2020. All 124 individuals had their criminal  
7 cases dismissed at their Initial Appearances.

8 18. Plaintiff and proposed class representative Darric Newman is, and was at all  
9 relevant times, a resident of Maricopa County. Mr. Newman was in downtown Phoenix,  
10 Arizona on the evening of May 30, 2020 to observe those who were expressing their  
11 opposition to the police murders of George Floyd and Dion Johnson. Because he was in  
12 that location on that date and timeframe, he was arrested by the police and sent to jail for  
13 “felony rioting.” In the course of his arrest, he was shot by Defendant Officer Who Shot  
14 Newman in the knee with a rubber bullet. At no time did Newman make any aggressive  
15 movement towards or otherwise fail to comply with any police order. The probable cause  
16 statement used to justify his arrest was the same cut-and-paste probable cause statement  
17 used against 123 other individuals who were in downtown Phoenix, Arizona on the evening  
18 of May 30, 2020. All 124 individuals had their criminal cases dismissed at their Initial  
19 Appearances.

20 19. Plaintiff and proposed class representative Corey Niass is, and was at all  
21 relevant times, a resident of Maricopa County. Mr. Niass was in downtown Phoenix,  
22 Arizona on the evening of May 30, 2020 to express his opposition to the police murders of  
23 George Floyd and Dion Johnson and to observe law enforcement and to express his support

1 for the Movement for Black Lives. Because he was in that location on that date and  
2 timeframe, he witnessed the indiscriminate use of tear gas and/or pepper spray and/or  
3 pepper balls and/or rubber bullets. As a direct and proximate result of the actions of police,  
4 including but not limited to their indiscriminate use of tear gas and/or pepper spray and/or  
5 pepper balls and/or rubber bullets, Mr. Niass' willingness to continue engaging in his First  
6 Amendment activities was extinguished, and he decided to leave the area. He was then  
7 arrested by the police and sent to jail for "felony rioting." In the course of his arrest, he was  
8 threatened by the police, shot at with rubber bullets that caused damage to his personal  
9 property, and caused him to be in fear for her own physical safety. The probable cause  
10 statement used to justify his arrest was the same cut-and-paste probable cause statement  
11 used against 123 other individuals who were in downtown Phoenix, Arizona on the evening  
12 of May 30, 2020. Upon information and belief, including but not exclusively limited to the  
13 police statement reproduced *infra*, the Defendants conspired to falsely charge felony  
14 offenses against the Plaintiffs with the specific purpose of suppressing their actual and/or  
15 suspected First Amendment activities. All 124 individuals had their criminal cases  
16 dismissed at their Initial Appearances.

17       20. Plaintiff and proposed class representative Jordan Thomas is, and was at all  
18 relevant times, a resident of Maricopa County. Mr. Thomas was in downtown Phoenix,  
19 Arizona on the evening of May 30, 2020 to express his opposition to police violence.  
20 Because he was in that location on that date and timeframe, and chanting "hands up don't  
21 shoot," Defendant Officer who Shot Thomas shot Thomas in the ribs, while Thomas was  
22 kneeling, with a rubber bullet causing him physical pain. As a direct and proximate result  
23 of the actions of police, including but not limited to their indiscriminate use of tear gas



1 and/or pepper spray and/or pepper balls and/or rubber bullets, Mr. Thomas' willingness to  
2 continue engaging in his First Amendment activities was extinguished, and he decided to  
3 leave the area. He was then arrested by the police, detained for hours in a poorly ventilated  
4 police vehicle without access to fluids or restroom facilities with numerous strangers, and  
5 sent to jail for "felony rioting." The probable cause statement used to justify his arrest was  
6 the same cut-and-paste probable cause statement used against 123 other individuals who  
7 were in downtown Phoenix, Arizona on the evening of May 30, 2020. Upon information  
8 and belief, including but not exclusively limited to the police statement reproduced *infra*,  
9 the Defendants conspired to falsely charge felony offenses against the Plaintiffs with the  
10 specific purpose of suppressing their actual and/or suspected First Amendment activities.  
11 All 124 individuals had their criminal cases dismissed at their Initial Appearances.

12 21. Plaintiff and proposed class representative Angela Tierney is, and was at all  
13 relevant times, a resident of Maricopa County. Ms. Tierney was in downtown Phoenix,  
14 Arizona on the evening of May 30, 2020 to express her opposition to the police murders of  
15 George Floyd and Dion Johnson and to express her support for the Movement for Black  
16 Lives. Because she was in that location on that date and timeframe, she was subjected to  
17 the indiscriminate use of tear gas and/or pepper spray and/or pepper balls and/or rubber  
18 bullets. She breathed in the weapons which caused her physical pain. She was then arrested  
19 by the police, detained for hours in a poorly ventilated police vehicle without access to  
20 fluids or restroom facilities with numerous strangers, and sent to jail for "felony rioting."  
21 In the course of her arrest, she was threatened by the police which caused her to be in fear  
22 for her own physical safety. The probable cause statement used to justify her arrest was the  
23 same cut-and-paste probable cause statement used against 123 other individuals who were

1 in downtown Phoenix, Arizona on the evening of May 30, 2020. Upon information and  
2 belief, including but not exclusively limited to the police statement reproduced *infra*, the  
3 Defendants conspired to falsely charge felony offenses against the Plaintiffs with the  
4 specific purpose of suppressing their actual and/or suspected First Amendment activities.  
5 All 124 individuals had their criminal cases dismissed at their Initial Appearances.

6 22. Plaintiff and proposed class representative Melanie Vanek is, and was at all  
7 relevant times, a resident of Maricopa County. Ms. Vanek was in downtown Phoenix,  
8 Arizona on the evening of May 30, 2020 to express her desires for racial justice. Because  
9 she was in that location on that date and timeframe, she was subjected to the indiscriminate  
10 use of tear gas and/or pepper spray and/or pepper balls and/or rubber bullets. She breathed  
11 in the weapons which caused her physical pain. She was then arrested by the police,  
12 detained for hours in a poorly ventilated police vehicle without access to fluids or restroom  
13 facilities with numerous strangers, and sent to jail for “felony rioting.” The probable cause  
14 statement used to justify her arrest was the same cut-and-paste probable cause statement  
15 used against 123 other individuals who were in downtown Phoenix, Arizona on the evening  
16 of May 30, 2020. Upon information and belief, including but not exclusively limited to the  
17 police statement reproduced *infra*, the Defendants conspired to falsely charge felony  
18 offenses against the Plaintiffs with the specific purpose of suppressing their actual and/or  
19 suspected First Amendment activities. All 124 individuals had their criminal cases  
20 dismissed at their Initial Appearances.

21 23. Plaintiff and proposed class representative Ajani Williams is, and was at all  
22 relevant times, a resident of Maricopa County. Mr. Williams was in downtown Phoenix,  
23 Arizona on the evening of May 30, 2020 to observe those expressing their opposition to

1 the police murders of George Floyd and Dion Johnson. Because he was in that location on  
2 that date and timeframe, he was then arrested by the police and sent to jail for “felony  
3 rioting.” The probable cause statement used to justify his arrest was the same cut-and-paste  
4 probable cause statement used against 123 other individuals who were in downtown  
5 Phoenix, Arizona on the evening of May 30, 2020. All 124 individuals had their criminal  
6 cases dismissed at their Initial Appearances.

7 24. Defendant City of Phoenix (the “City”) is a municipal corporation created,  
8 organized, and existing under the laws of the State of Arizona. The City is under a duty to  
9 run its law enforcement activities in a lawful manner to preserve the peace and to preserve  
10 for its citizens the rights, privileges, and immunities guaranteed and secured to them by the  
11 Constitutions and laws of the United States and the State of Arizona. The Phoenix police  
12 Department (“PPD”) is an agency of the City, and all actions of the PPD are the legal  
13 responsibility of the City because the City has delegated its law enforcement duties and  
14 responsibilities to PPD, including but not limited to the responsibility of establishing and  
15 implementing policies, practices, procedures and/or customs used by law enforcement  
16 officers employed by the City regarding the investigation, detention, arrest, and public  
17 relations during law enforcement operations.

18 25. Defendant Jeri L. Williams (“Chief Williams”) is, and was at all relevant  
19 times, the Chief of Police for the City of Phoenix Police Department. As such, Chief  
20 Williams is the final policymaker for the City in the area of law enforcement and in setting  
21 and implementing the policies and practices of PPD, including but not limited to:

- 22 a. the development, implementation, and the training of PPD personnel in the  
23 areas of proper use of force;

- 1           b. the need for proper warnings in response to political protests and public
- 2           demonstrations and marches;
- 3           c. lawful arrests;
- 4           d. the development and implementation of policies concerning protests and the
- 5           protection of participants’ basic rights of speech and association, and for
- 6           making these policies known to all PPD personnel;
- 7           e. ensuring that all members of the PPD were adequately and consistently
- 8           trained in their meaning and implementation, as well as in all relevant
- 9           constitutional requirements and police best practices;
- 10          f. the training and preparation of PPD personnel with respect to the events of
- 11          May 30, 2020 (wherein, she approved and/or ratified PPD’s plans for that
- 12          event—including the plans to conduct unlawful mass arrests of
- 13          demonstrators using the same, cut-and-paste probable cause statement to
- 14          support those arrests).

15           26. As set out below, Chief Williams also failed to establish sufficient guidelines  
16 and regulations governing the PPD on May 30, 2020, and did not ensure adequate training  
17 before the event, nor did she properly supervise and monitor the actions of PPD personnel  
18 during the protest. Upon information and belief, she has failed to discipline a single officer  
19 for the mass false arrests that took place on May 30, 2020, and instead, made multiple  
20 public statements praising her officers’ conduct during the course of that protest fully  
21 ratifying the conduct of PPD related to this lawsuit, on behalf of the City. Plaintiffs sue  
22 Chief Williams in her official and individual capacity.

1           27. Defendant Benjamin Moore is a Lieutenant for the City of Phoenix Police  
2 Department, and is the “Field Force Commander” for PPD’s Tactical Response Unit  
3 (“TRU”). Upon information and belief, Lt. Moore authorized the indiscriminate use of  
4 force against largely non-violent demonstrators, despite knowing that deploying  
5 indiscriminate force is unconstitutional, including the use of tear gas, pepper spray, and  
6 rubber bullets. Upon information and belief, Lt. Moore either gave the order, approved, or  
7 knowingly ratified PPD’s plans for arrests at the May 30, 2020 protest—including but not  
8 exclusively limited to the plans to apprehend demonstrators en masse using the same, cut-  
9 and-paste probable cause statements to support their false arrests. Plaintiffs sue Lt. Moore  
10 in his individual capacity.

11           28. Defendant Douglas McBride is a Sergeant with the City of Phoenix Police  
12 Department. On May 30, 2020, he was responsible for supervising PPD’s Tactical  
13 Response Unit. Upon information and belief, Sgt. McBride authorized the indiscriminate  
14 use of force against non-violent demonstrators despite knowing that deploying  
15 indiscriminate force is unconstitutional, including the use of tear gas, pepper spray, and  
16 rubber bullets. Upon information and belief, Sergeant McBride either gave the order,  
17 approved, or ratified PPD’s plans for arrests at the May 30, 2020 protest—including the  
18 plans to apprehend demonstrators en masse using the same, cut-and-paste probable cause  
19 statements to support their false arrests. Plaintiffs sue Sergeant Mc Bride in his individual  
20 capacity.

21           29. Defendant Dennis Orender is a Commander for the City of Phoenix Police  
22 Department. Commander Orender is a leader within PPD’s Tactical Response Unit, and  
23 upon information and belief, “calls the shots” on when to make arrests and of whom. Upon

1 information and belief, Commander Orender either gave the order, approved, or ratified  
2 PPD's plans for arrests at the May 30, 2020 protest—including the plans to apprehend  
3 demonstrators en masse using the same, cut-and-paste probable cause statements to support  
4 their false arrests. Plaintiffs sue Commander Orender in his individual capacity.

5 30. Upon information and belief, there are currently unknown City of Phoenix  
6 employees who caused or contributed to Plaintiffs' injuries. The identity and roles of these  
7 individuals are uniquely within the possession of the City of Phoenix and Plaintiffs will  
8 amend this complaint to add such responsible individuals upon discovery of their identities.  
9 Until such point, some of said individual officers have been named by way of a description  
10 of unique actions taken on May 30, 2020.

11 31. Each of the above-mentioned individual Defendants participated in and has  
12 responsibility for the unlawful conduct that resulted in injuries to Plaintiffs and putative  
13 damages class members described herein, by, among other things, personally participating  
14 in the unlawful conduct, acting jointly or conspiring with others who did so; authorizing,  
15 acquiescing in, or setting in motion policies, plans, or actions that led to the unlawful  
16 conduct; failing to take action to prevent such unlawful conduct; failing to maintain  
17 adequate training and supervision in deliberate indifference to Plaintiffs' rights; and  
18 ratifying unlawful conduct that occurred by agents and officers under their direction,  
19 supervision, and control, including failing to take remedial or disciplinary action.

20 32. Every act and omission of the employees, representatives, and agents of the  
21 Defendants detailed in this Complaint was performed under the color and pretense of the  
22 Constitutions, statutes, ordinances, regulations, customs, and uses of the United States of  
23 America, the State of Arizona, and the City of Phoenix, by their authority as sworn officers,

1 and within the course and scope of their employment.

2 33. Plaintiffs bring this lawsuit to redress violations of, *inter alia*, 42 U.S.C. §  
3 1983. Thereby this court has federal question jurisdiction pursuant to 28 U.S.C. § 1331,  
4 and supplemental jurisdiction under 28 U.S.C. § 1367(a).

5 34. The events and omissions which give rise to the claims asserted in this  
6 lawsuit occurred in the geographical territory of this court, in Phoenix, Arizona. Therefore,  
7 pursuant to 28 U.S.C. § 1391(b), this district court is the proper venue for this lawsuit.

8 35. Defendants reside and do business in Maricopa County, Arizona. Therefore,  
9 this court has personal jurisdiction over Defendants pursuant to Fed. R. Civ. P. 4.

10 36. Plaintiffs have satisfied all necessary conditions precedent to the filing of this  
11 lawsuit.

12 **GENERAL ALLEGATIONS**  
13 ***Historical Background of the Phoenix Police Department and Their***  
14 ***Continued Uses of Excessive Force***

14 37. All other paragraphs of this lawsuit are incorporated.

15 38. In 2010, PPD officers violently—and without provocation, justification, or  
16 warning—shot pepper-spray at peaceful protesters marching for immigration reform. At  
17 that time, PPD knew or should have known that such a violent response to peaceful exercise  
18 of First Amendment rights was illegal and unconstitutional. The City was aware of PPD’s  
19 actions shortly after they occurred, yet took no steps to discipline, supervise, train, or  
20 otherwise control PPD to ensure that such actions did not repeat in the future.

21 39. In October 2014, at a demonstration in downtown Phoenix to protest police  
22 brutality after a PPD officer’s murder of Romain Brisbon, PPD officers indiscriminately  
23 and without warning fired pepper bullets at peaceful protesters. At that time, PPD knew or

1 should have known that such a violent response to peaceful exercise of First Amendment  
2 rights was illegal and unconstitutional. The City was aware of PPD's actions shortly after  
3 they occurred, yet took no steps to discipline, supervise, train, or otherwise control PPD to  
4 ensure that such actions did not repeat in the future.

5 40. On or about July 8, 2016, Phoenix PD shot chemical weapons, including tear  
6 gas and pepper spray, into a crowd of thousands of Black Lives Matter peaceful protesters,  
7 demonstrating for racial justice after two viral videos showed the grisly murders of Alton  
8 Sterling and Philando Castile at the hands of the police. Phoenix PD did so without  
9 providing any warnings to protesters before firing these weapons. And at the time that  
10 Phoenix PD shot projectiles into a crowd of thousands, many of the protesters had their  
11 hands up, in a classic surrender position, chanting "hands up, don't shoot!"<sup>1</sup> PPD claimed  
12 to have deployed these chemical weapons as a "crowd-control measure." At that time, PPD  
13 knew or should have known that such a violent response to peaceful exercise of First  
14 Amendment rights was illegal and unconstitutional. The City was aware of PPD's actions  
15 shortly after they occurred, yet took no steps to discipline, supervise, train, or otherwise  
16 control PPD to ensure that such actions did not repeat in the future.

17 41. Almost one year later, on the night of August 22, 2017, a force of  
18 approximately 900 Phoenix PD officers conducted an unannounced attack on a group of  
19 peaceful protesters, gathered to demonstrate strong disagreement with President Trump.  
20 During the course of this assault, Phoenix PD fired more than 590 kinetic and chemical  
21 projectiles into a crowd that included young children, pregnant women, disabled people,  
22

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23 <sup>1</sup> <https://abcnews.go.com/US/phoenix-police-tear-gas-pepper-spray-black-lives/story?id=40453514>



1 and elderly individuals. The American Civil Liberties Union filed a class action lawsuit  
2 shortly after that event, alleging that Phoenix PD had initiated such an attack without  
3 providing a warning to disperse to protesters.<sup>2</sup> At that time, PPD knew or should have  
4 known that such a violent response to peaceful exercise of First Amendment rights was  
5 illegal and unconstitutional. The City was aware of PPD's actions shortly after they  
6 occurred, yet took no steps to discipline, supervise, train, or otherwise control PPD to  
7 ensure that such actions did not repeat in the future.

8 42. On July 12, 2019, Phoenix PD unlawfully arrested and maliciously  
9 prosecuted three well-known activists who were protesting against racial injustice and the  
10 ill-treatment of immigrants at the U.S. Border. Among those arrested was criminal defense  
11 attorney and Black Lives Matter organizer, Jamaar Williams.<sup>3</sup> At that time, PPD knew or  
12 should have known that maliciously prosecuting demonstrators in response to the peaceful  
13 exercise of First Amendment rights was illegal and unconstitutional. The City was aware  
14 of PPD's actions shortly after they occurred, yet took no steps to discipline, supervise,  
15 train, or otherwise control PPD to ensure that such actions did not repeat in the future.

16 43. Phoenix PD's response to the most recent slate of protests demonstrates that  
17 Phoenix PD has done little to nothing to change the ways in which it manages protests and  
18 protects individuals' constitutional rights.<sup>4</sup> And it has demonstrated that it cares little for  
19 how its excessive force may contribute to the spread of a potentially deadly virus in the  
20 middle of a global pandemic.

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21 <sup>2</sup> See *Puente v. City of Phoenix, et al.*, Case No. 2:18-cv-02778-JJT (Ariz. D. Ct. 2018).

22 <sup>3</sup> See *Williams v. City of Phoenix, et al.*, Case No. 2:20-cv-01367-PHX-SMB (Ariz. D.  
23 Ct. 2020).

<sup>4</sup> <https://www.abc15.com/news/local-news/investigations/protest-arrests>

1 *COVID-19 greatly increases the danger of the Defendants' actions*

2 44. All other paragraphs of this lawsuit are incorporated.

3 45. The first cases of Coronavirus Disease 2019 (“COVID-19”) were discovered  
4 in Wuhan, China in December 2019.<sup>5</sup> Although much was unknown about the virus when  
5 it was first discovered, it was soon revealed to be a highly contagious respiratory virus  
6 spread mainly person-to-person, “through respiratory droplets produced when an infected  
7 person coughs, sneezes, or talks.”<sup>6</sup>

8 46. In the months after its discovery in December 2019, the COVID-19 virus  
9 spread to every country in the world and infected millions of people.

10 47. In Arizona, confirmed cases of COVID-19 have increased at an alarming and  
11 record-setting pace, making it the world’s epicenter for the spread of this potentially deadly  
12 virus by the summer of 2020.<sup>7</sup> At the end of April, Arizona had approximately 6,000  
13 confirmed cases in the entire state. But by mid-July, Arizona saw its confirmed new cases  
14 of coronavirus grow by the thousands each day.<sup>8</sup>

15 48. It was in this context that Phoenix PD made the decision to use chemical  
16 weapons—which cause individuals to expel respiratory droplets—on crowds of non-  
17 violent protesters; planned the illegal mass arrests of demonstrators and others; and decided  
18 to holding them in unventilated transport vehicles before booking them into jail cells where  
19

20 <sup>5</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7121484/>

21 <sup>6</sup> <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

22 <sup>7</sup> <https://www.nytimes.com/2020/07/08/briefing/arizona-mary-trump-facebook-your-wednesday-briefing.html>; <https://www.azcentral.com/story/opinion/op-ed/laurieroberts/2020/07/08/arizona-now-no-1-world-coronavirus-but-some-arizonans-say-its-no-big-deal/5399638002/>

23 <sup>8</sup> [https://tucson.com/news/local/arizona-coronavirus-cases-mapped-by-county-april-22/article\\_c236eac-84e2-11ea-84e7-a76949d0b7c9.html](https://tucson.com/news/local/arizona-coronavirus-cases-mapped-by-county-april-22/article_c236eac-84e2-11ea-84e7-a76949d0b7c9.html).

1 these individuals were unable to socially distance or wear facial coverings.

2 *Phoenix mourns the lives of Mr. Johnson and Mr. Floyd*

3 49. All other paragraphs of this lawsuit are incorporated.

4 50. On Thursday, May 28, 2020, thousands of peaceful protestors gathered in  
5 downtown Phoenix to express their opposition to the police murders of both George Floyd  
6 and Dion Johnson. These protestors joined millions of other Americans across the country  
7 who took to the streets to demand an end to racist police killings and practices. Many of  
8 these individuals were participating in demonstrating for the first time.

9 51. Phoenix PD officers were present from the beginning of the peaceful protest,  
10 greatly armored in riot gear and wielding heavy weaponry including: Pepper bullets;  
11 cannisters containing “CS” or tear gas; pepper-spray; mace; 40 mm foam impact rounds,  
12 which travel at speeds up to 89 miles per hour and contained both “CS” and cayenne pepper  
13 to deliver both blunt trauma as well as the effects of a chemical irritant; smoke grenades  
14 (explosive devises that release an irritant); rubber-coated bullets; beanbag rounds (small  
15 fabric bags filled with lead shot); and sound weapons like flash-bang grenades.

16 52. These munitions are designed to incapacitate subjects, and to inflict large  
17 amounts of pain to compel compliance. The chemical weapons, in particular, are designed  
18 to irritate the skin and mucosal areas (the eyes, nose, and throat) and force individuals to  
19 cough and sneeze in response.

20 53. The chemical irritants in these weapons also “stick” to fabric and will  
21 contaminate a mask once a user comes into contact with these irritants. In other words, if  
22 an individual wearing a mask is exposed to these chemical irritants, they will be forced to  
23 remove the mask.

1           54.     After several hours, Phoenix Police, unprovoked and without cause, declared  
2 the First Amendment assembly to be “unlawful” and immediately began shooting the  
3 protestors with pepper balls, pepper-spray, tear gas, and rubber-coated bullets to disburse  
4 the crowd. Despite being subject to the deployment of chemical weapons banned for  
5 warfare by the Geneva Conventions,<sup>9</sup> no violence was threatened, no participants injured  
6 any police officers and all but eight (8) people voluntarily and peacefully left the area. Those  
7 eight people were arrested and charged with misdemeanor unlawful assembly.<sup>10</sup>

8           55.     On Friday, May 29, 2020, protestors returned to downtown Phoenix. Again,  
9 the protests carried on peacefully for hours. Nonetheless, Phoenix Police, once again,  
10 declared an unlawful assembly and again began using chemical and kinetic weapons  
11 against demonstrators in an attempt to disperse, disrupt, and stop the protests.

12           56.     Phoenix PD deployed these weapons without provocation and did so  
13 indiscriminately, exposing hundreds in the crowd to these harmful chemicals. As soon as  
14 individuals were exposed to these chemicals, they had to either remove their masks and  
15 cough and sneeze violently on one another or suffocate.

16           57.     One man in the crowd immediately went into respiratory distress and  
17 volunteer medics on site began performing CPR on him. Absurdly, Phoenix PD continued  
18 to shoot pepper balls and tear gas at both the man, and the medics performing CPR on him.  
19 Multiple times the medics had to cease performing CPR, and move this man’s immobile  
20 body a few feet away from an oncoming Phoenix PD riot line, before resuming the

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22           <sup>9</sup> <https://www.usatoday.com/story/news/factcheck/2020/06/06/fact-check-its-true-tear-gas-chemical-weapon-banned-war/3156448001/>

23           <sup>10</sup> <https://www.abc15.com/news/national/rally-underway-in-phoenix-over-the-in-custody-death-of-george-floyd-in-minneapolis>

1 performance of life-saving medical care. This man was eventually transported by a group  
2 of strangers attending the protest, away from the scene and taken to the hospital.

3 58. On the morning of Saturday, May 30, 2020, Phoenix Mayor Kate Gallego  
4 and Police Chief Jeri Williams held a press conference at which they announced that the  
5 protests the night before were largely peaceful; that there was a “small” group of protestors  
6 who had caused damage; and that the actions of a “few” had resulted in widespread  
7 property damage in the hundreds of thousands of dollars.<sup>11</sup> Phoenix PD made two arrests  
8 that night (May 29, 2020).<sup>12</sup>

9 59. Despite only making two arrests, Chief Williams warned demonstrators at a  
10 news conference held on the morning of May 30, 2020 that the behavior from May 29,  
11 2020 would “not be tolerated” by Phoenix PD.

12 ***This Lawsuit***

13 60. All other paragraphs of this lawsuit are incorporated.

14 61. On Saturday, May 30, 2020, protestors again returned to downtown Phoenix.  
15 History repeated itself for the third consecutive night: Peaceful protests were declared  
16 unlawful without cause, immediately and/or without a reasonable time to comply with  
17 orders to disperse followed by mass, indiscriminate deployments of tear gas, pepper spray,  
18 pepper balls, rubber-coated bullets, and beanbag rounds into a crowd of hundreds of non-  
19 violent protestors. This night, however, Phoenix Police decided to change their tactics:  
20 Rather than permitting the protestors to disperse, they chased them down.

21  
22 <sup>11</sup> <https://www.facebook.com/watch/?v=752671345475649>

23 <sup>12</sup> <https://www.abc15.com/news/region-phoenix-metro/central-phoenix/watch-rallies-continue-friday-night-in-phoenix-over-deaths-of-dion-johnson-and-george-floyd>

1           62. That night, police rounded up and arrested 124 people just for being in  
2 downtown Phoenix. Many of these people were held for hours in poorly/unventilated  
3 transport vehicles without access to water or restrooms. It was impossible to socially  
4 distance in these vans, and many of the individuals had either been forced to remove their  
5 masks (due to chemical contamination) or had their masks confiscated by Phoenix PD  
6 officers.

7           63. Those 124 people were also forced to spend time in jail, crammed into rooms  
8 with dozens of unmasked individuals, exposing them (and, in turn, the community at large)  
9 to COVID-19. Those 124 individuals were all charged with felony rioting, and the “cut-  
10 and-paste” probable cause statements, as set forth below, were all thrown out by the initial  
11 appearance judges. These 124 individuals make up the class for this lawsuit.

**PROBABLE CAUSE STATEMENT**

1. Please summarize and include the facts which establish probable cause for the arrest:  
ON 053020 AT APPROXIMATELY 1730 HOURS A LARGE GROUP OF SUBJECTS GATHERED IN THE DOWNTOWN AREA TO PROTEST RECENT POLICE INVOLVED SHOOTINGS IN THE UNITED STATES. THE CROWD INITIALLY MOVED THROUGHOUT THE DOWNTOWN AREA PEACEFULLY. AT APPROXIMATELY 2056 HOURS LIEUTENANT MOORE 6803 GAVE A VERBAL WARNING TO THE CROWD TO DISPERSE/LEAVE THE ROADWAY/COMPLY WITH A LAWFUL ORDER OVER THE LONG RANGE ACOUSTIC DEVICE LRAD AFTER THE CROWD HAD MOVED INTO ROADWAYS OBSTRUCTING THE FLOW OF TRAFFIC AND AFTER GATHERING AT THE NORTH ENTRANCE TO POLICE HEADQUARTERS, BLOCKING WEST ADAMS STREET AND REFUSING TO DISPERSE. THE CROWD CONTINUALLY LOOPED THROUGH THE DOWNTOWN AREA AND WHILE ON WEST WASHINGTON STREET, IN FRONT OF POLICE HEADQUARTERS, THEY BEGAN THROWING INCENDIARY DEVICES, INCLUDING FIREWORKS, AT THE LINE OF POLICE OFFICERS WEARING PHOENIX POLICE TACTICAL UNIFORMS AND GEAR. THE CROWD WOULD DISPERSE TEMPORARILY WHEN MET WITH LESS LETHAL MUNITIONS. HOWEVER THEY CONTINUED LOOPING THROUGHOUT THE DOWNTOWN AREA, LIGHTING SMALL FIRES, THROWING BOTTLES AND ROCKS AT OFFICERS AND DAMAGING WINDOWS AND SPRAY PAINTING MULTIPLE BUILDINGS, ROADWAYS AND SIDEWALKS. AT APPROXIMATELY 2243 HOURS LIEUTENANT MOORE 6803 DECLARED THE GATHERING TO BE A RIOT OVER THE POLICE RADIO. THE CROWD WAS REPEATEDLY ORDERED TO DISPERSE HOWEVER THEY REFUSED, TAKING OVER MULTIPLE STREETS AND CONTINUING TO LOOP THROUGHOUT THE DOWNTOWN AREA WHILE ALSO CONTINUING TO THROW INCENDIARY DEVICES AT OFFICERS AND DAMAGE PROPERTY. THE RIOT LASTED UNTIL APPROXIMATELY 0300 HOURS ONLY ENDING AFTER NUMEROUS ARRESTS WERE MADE.

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**CLASS ALLEGATIONS**

64. The proposed class is the 124 individuals who were arrested in downtown Phoenix by PPD on the evening of May 30, 2020/morning of May 31, 2020, and who were charged with felony rioting with the following cut-and-paste probable cause statement:

65. The class, in accordance with Fed. R. Civ. P.. 23(a):
- a. Is so numerous that joinder of all members is impracticable. The believed members of the proposed class are: (1) Brandon James Adler; (2) Lorenzo Ray Alsidez; (3) Alexander Anderson; (4) Luis Alonso Arreola Martinez; (5) Talleah Alvarado; (6) Elizabeth Alvarez; (7) Shelby Nicole Bay; (8) Trerina Marie Benavides; (9) Darnetta Annette Box; (10) Chari Ollie Monae Brooks; (11) David Bustamante); (12) Gavin Canez; (13) Martin Chavez; (14) Zachary Coleman; (15) Tierra Colter; (16) Korin Amaris Cook; (17) Fabian Cordova; (18) Richard Anthony Cordova; (19) Roberto Cortes; (20) Johan Montes Cuevas; (21) Kristopher Cutshall; (22) Osama Daood; (23) Erick George Deyden; (24) Desirai Dixson; (25) Tyson Anthony Dubrey; (26) Gregory Ellis; (27) Abigail Estrada-Garcia; (28) Griffin Fletcher; (29) Enixe Flores; (30) Kaitlin Galvan; (31) Corina Garcia; (32) Andrew Charles Givens; (33) Victoria Lilianna Gonzalez; (34) Samantha Graening; (35) Mitchell Grave; (36) Maxima Guerrero Sanchez; (37) Shane Haisten; (38) Marrisa Marie Hand; (39) Anthony Harding; (40) Phillip James Harris; (41) Abel M Hernandez; (42) Jeannette Hunt; (43) Jonathan Hursh; (44) Latanjra Jackson; (45) Jalya Lanae Jefferson; (46) Burandin Rone Johnson; (47)

1 Johnathan Raymond Kantner; (48) Theresa Nicole Kenny; (49) Robert John  
2 Kunz; (50) Michael Jerome Lane; (51) Simon Anthony Lee; (52) Brandon  
3 LeMar; (53) Jessie Lepique; (54) Vongel Alexis Lewis; (55) Fernando  
4 Lopez; (56) Jessie Ray Luna-Espinoza; (57) Richard Oliver Lyons; (58)  
5 Toby Manvelito; (59) Alejandro Adam Marquez; (60) Erika Marie Martin;  
6 (61) Charlinda Martinez; (62) Ricky Martinez; (63) Victor Martinez; (64)  
7 Kymberli Bryana Mayberry; (65) Christopher McAnallen; (66) Marvin  
8 Clayton McClain; (67) Sierra McMartin; (68) Andre James McQueen; (69)  
9 Jason Alexander Mendez; (70) Alejandro Meraz; (71) David Yiannis Mihail;  
10 (72) Brian Daniel Miranda; (73) William Douglas Molony; (74) David James  
11 Montes; (75) Dejon D Moore; (76) Jordan Joseph Moore; (77) Filiangel  
12 Morales; (78) Malik Morris; (79) Eddie Munoz; (80) Santiago Jesus Munoz;  
13 (81) Marco Nevarez; (82) Darric Newman; (83) Corey Niass; (84) Sheila  
14 Nunez; (85) Alexis Nicole Ochoa; (86) Alejandra Ivette Parra; (87) Jesus  
15 Manuel Oronoa-Prieto; (88) Daniel Luis Ortega; (89) Shawn Peaks; (90) Jose  
16 Pena; (91) Jeremiah David Peralta; (92) Jacob David Pfeifer; (93) Lacroix  
17 Dwight Pierce; (94) Joshua Plaza; (95) Harry Andrew Propp; (96) Eduardo  
18 Ramirez; (97) Vera Lashell Reed; (98) Tj Roark; (99) Alyssa Monae Ruiz;  
19 (100) Ryan Alan Russell; (101) Ludanga Ramsey (“Remby”) Sebastian;  
20 (102) Williams Shaban; (103) Nikeya Ishaya Simmons; (104) Cristian Soria;  
21 (105) Dylan Southworth; (106) Avery Trey Stannard; (107) Bailey Aleandra  
22 Stocker; (108) Adam Stone; (109) Jordan Thomas; (110) Angela Tierney;  
23 (111) Daniel Christopher Tineo; (112) Pamela Tuakalau; (113) Arxyena



1 Valurosa-Meaney; (114) Kristina Lee Vanaken; (115) Melodie Vanek; (116)  
2 Raquel Anaya Vargas; (117) Taconya Shanette Vaughn; (118) Connor Jacob  
3 Wanamaker; (119) Brody Jon Wass; (120) Stanley David West; (121) Ajani  
4 Williams; (122) Stanson Ben Yellowman; (123) Brittany Young; and (124)  
5 Emmalee Zenko.

6 b. The claims of the class members have common questions of law and fact  
7 related to First Amendment retaliation and unlawful arrest and conspiracy  
8 under Federal law, and intentional infliction of emotional distress,  
9 conspiracy, aiding and abetting, false light, defamation, and gross  
10 negligence claims under Arizona law.

11 i. Specifically, the questions of law are that;

- 12 1. Whether participating or being in close physical proximity to  
13 others who are participating in a peaceful protest is protected  
14 activity under the First Amendment;
- 15 2. Whether participating or being in close physical proximity to  
16 others who are participating in a peaceful protest provides  
17 sufficient probable cause to arrest and/or detain and/or charge  
18 “felony rioting”;
- 19 3. Whether a duty and responsibility of care exists for the  
20 Defendants in the manner in which they perform their law  
21 enforcement functions related to the use of force, the manner  
22 in which individuals are detained, and the investigation and  
23 charging of persons with the commission of “felony rioting”;

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4. Whether placing numerous strangers into poorly ventilated vehicles for hours in the late May Arizona heat without access to water or restrooms breaches the duty and responsibility of care for the Defendants in the manner in which they detain individuals;
5. Whether the indiscriminate charging of individuals for felony rioting by using a cut-and-paste probable cause statement, irrespective of what actions they were actually doing at the time and/or leading up to the time of their arrest breaches the duty and responsibility of care for the Defendants in the manner in which they perform their law enforcement functions related to the investigation and charging of persons with the commission of “felony rioting.”

ii. Specifically, the questions of fact are that:

1. Whether individuals were in downtown Phoenix participating in or in close physical proximity to peaceful protestors on the evening and into the morning of May 30, 2020 into May 31, 2020;
2. Whether PPD used indiscriminate force on May 30, 2020- May 31, 2020 in downtown Phoenix and the authorization for such force to be used at that date and time and in that manner;
3. Whether PPD conspired or was otherwise ordered to arrest and charge everyone who was in downtown Phoenix

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participating in or in close physical proximity to peaceful protesters on the evening and into the morning of May 30, 2020 into May 31, 2020 for felony rioting as a method by which to ensure they would be taken to jail, and the reasons for that conspiracy and/or order;

4. The identity of the police vehicles used to detain people for hours, and the use of those vehicles on May 30, 2020-May 31, 2020 in downtown Phoenix related to ventilation;

5. Whether those people that were detained in police vehicles for hours on May 30, 2020-May 31, 2020 had access to basic necessities including but not limited to water and/or restroom and/or medical care

iii. The claims of the representative Plaintiffs are typical of the class they represent. Each representative Plaintiff was in downtown Phoenix, Arizona on the evening of May 30, 2020/morning of May 31, 2020. Because each representative Plaintiff was in that location on that date and timeframe and were actually or perceived to be protesters/demonstrators, each representative Plaintiff was arrested by the police and sent to jail for “felony rioting.” The probable cause statement used to justify the arrest of each representative Plaintiff was the same cut-and-paste probable cause statement used against 123 other individuals who were in downtown Phoenix, Arizona on the evening of May 30, 2020. All 124 individuals had their criminal cases

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dismissed at their Initial Appearances.

- iv. Each representative Plaintiff has the same interests and suffered from the same type of legal injuries as the rest of the representative Plaintiffs, as well as the proposed class.
- v. The representative Plaintiffs will fairly and adequately protect the interests of the class. The interests of the representative Plaintiffs are consistent with and not antagonistic to the interests of the class.
- vi. The prosecutions of separate actions by individual class members would create a risk that inconsistent and varying adjudications with respect to individual members of the class would establish incompatible standards of conduct for the parties opposing the class.
- vii. The prosecutions of separate actions by individual class members would, as a practical matter, substantially impair or impede the interests of the other members of the class to protect their interests.
- viii. The questions of law or fact common to the members of the class predominate over any questions affecting only individual members on the topic of liability.
- ix. This liability class action is superior to other available methods for the fair and efficient adjudication of the controversy between the parties. Plaintiffs are informed and believe and thereon allege that most members of the class will not be able to find counsel to represent them.

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x. Plaintiffs are informed and believe and thereon allege that it is desirable to concentrate all litigation in one forum because all the claims arise in the same location, date, and time—downtown Phoenix on the evening of May 30, 2020 or early morning of May 31, 2020—and it will promote judicial efficiency to resolve the common questions of law and fact in one forum, rather than in multiple courts.

66. The first sub-class, in accordance with Fed. R. Civ. P. 23(a):

a. Is so numerous that joinder of all members is impracticable. While the first sub-class size is currently unknown, upon information and belief, is more than forty (40) individuals.

b. In addition to the First Amendment Retaliation and unlawful arrest allegations, the claims of the first sub-class members have common questions of fact related to suppression of free speech because they were victims of suppression of free speech and association, because they were actively and peacefully exercising their First Amendment rights by attending protests in downtown Phoenix, Arizona. None of the proposed members of this sub-class caused or participated in violent acts or engaged in illegal activity.

i. Specifically, the questions of fact are that;

1. Whether individuals were in downtown Phoenix participating in peace protests on the evening and/or into the morning of May 30, 2020 into May 31, 2020

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2. Whether actively and peacefully exercising their First Amendment rights was chilled or otherwise stopped due to PPD's threatened and/or actual indiscriminate use of tear gas and/or pepper spray and/or pepper balls and/or rubber bullets

- c. The representative Plaintiffs of the first sub-class are Talleah Alvarado, Alexander Anderson, Tierra Colter, Shane Haisten, Anthony Harding, Sierra McMartin, Corey Niass, Dylan Southworth, Jordan Thomas, and Emmalee Zenko.
- d. The claims of the representative Plaintiffs of the first sub-class are typical of the sub-class they represent. Each representative Plaintiff was in downtown Phoenix, Arizona on the evening of May 30, 2020/morning of May 31, 2020 peacefully participating in a peaceful protest. Because each representative Plaintiff was in that location on that date and timeframe, each representative Plaintiff was subjected to and/or witnessed PPD's use of force, and because of such force, tried to leave the area without fulfilling their First Amendment mission.
- e. Each representative Plaintiff of the first sub-class has the same interests and suffered from the same type of legal injuries as the rest of the proposed sub-class.
- f. The representative Plaintiffs of the first sub-class will fairly and adequately protect the interests of the sub-class. The interests of the representative Plaintiffs are consistent with and not antagonistic to the interests of the proposed sub-class.

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- g. The prosecutions of separate actions by individual sub-class members would create a risk that inconsistent and varying adjudications with respect to individual members of the sub-class would establish incompatible standards of conduct for the parties opposing the sub-class.
- h. The prosecutions of separate actions by individual sub-class members would, as a practical matter, substantially impair or impede the interests of the other members of the class and other sub-classes to protect their interests.
- i. The questions of law or fact common to the members of the sub-class predominate over any questions affecting only individual members of the sub-class on the topic of liability.
- j. This liability class action is superior to other available methods for the fair and efficient adjudication of the controversy between the parties. Plaintiffs are informed and believe and thereon allege that most members of the sub-class will not be able to find counsel to represent them.
- k. Plaintiffs are informed and believe and thereon allege that it is desirable to concentrate all litigation in one forum because all the claims arise in the same location, date, and time—downtown Phoenix on the evening of May 30, 2020 or early morning of May 31, 2020—and it will promote judicial efficiency to resolve the common questions of law and fact in one forum, rather than in multiple courts.

- 1           67.    The second proposed sub-class in accordance with Fed. R. Civ. P. 23(a):
- 2           a.    Is are so numerous that joinder of all members is impracticable. While the
- 3           second sub-class size is currently unknown, upon information and belief, is
- 4           more than forty (40) individuals.
- 5           b.    In addition to the First Amendment Retaliation and unlawful arrest
- 6           allegations, the claims of the second sub-class members have common
- 7           questions of law and fact related to excessive force under Federal law or
- 8           gross negligence under Arizona law because they were (a) unlawfully
- 9           dispersed using tear gas and/or pepper-spray and/or pepper-balls, and/or
- 10          mace and/or other chemical agents and/or rubber bullets and/or beanbag
- 11          rounds; and/or or (b) were unlawfully held at weapon point. None of the
- 12          proposed members of this sub-class used force against PPD officers or
- 13          other demonstrators or threatened to use force against PPD officers or other
- 14          demonstrators.
- 15                i.    Specifically, the questions of law are that:
- 16                    1.    Whether a duty and responsibility of care exists for the
- 17                    Defendants in the manner in which they perform their law
- 18                    enforcement functions related to the use of force;
- 19                    2.    Whether PPD used indiscriminate force on May 30, 2020-
- 20                    May 31, 2020 in downtown Phoenix and the authorization for
- 21                    such force to be used at that date and time and in that manner;
- 22                    3.    Whether the indiscriminate use of tear gas and/or pepper
- 23                    spray and/or pepper balls and/or rubber bullets to mass target



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peaceful protesters breaches the duty and responsibility of care for the Defendants in the manner in which they perform their law enforcement functions related to the use of force;

4. Whether the indiscriminate use of tear gas and/or pepper spray and/or pepper balls and/or rubber bullets to target a small number of people within a much larger group breaches the duty and responsibility of care for the Defendants in the manner in which they perform their law enforcement functions related to the use of force;

ii. Specifically, the questions of fact are that;

1. Whether individuals were in downtown Phoenix on the evening and/or into the morning of May 30, 2020 into May 31, 2020;
2. Whether individuals were impacted or affected by PPD's indiscriminate use of tear gas and/or pepper spray and/or pepper balls and/or rubber bullets.

c. The representative Plaintiffs of the second sub-class are Talleah Alvarado, Alexander Anderson, Tierra Colter, Maxima Guerrero Sanchez, Shane Haisten, Anthony Harding, Brandon LeMar, Erika Martin, Charlinda Martinez, Victor Martinez, Sierra McMartin, Corey Niass, Darric Newman, Dylan Southworth, Jordan Thomas, Angela Tierney, Melanie Vanek, Ajani Williams, and Emmalee Zenko.

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d. The claims of the representative Plaintiffs of the second sub-class are typical of the sub-class they represent. Each representative Plaintiff was in downtown Phoenix Arizona on the evening of May 30, 2020/morning of May 31, 2020. Because each representative Plaintiff was in that location on that date and timeframe, each representative Plaintiff was subjected to PPD's use of force, and because of such force, were injured.

e. Each representative Plaintiff of the second sub-class has the same interests and suffered from the same type of legal injuries as the rest of the proposed second sub-class.

f. The representative Plaintiffs of the second sub-class will fairly and adequately protect the interests of the second sub-class. The interests of the representative Plaintiffs are consistent with and not antagonistic to the interests of the proposed second sub-class.

g. The prosecutions of separate actions by individual second sub-class members would create a risk that inconsistent and varying adjudications with respect to individual members of the second sub-class would establish incompatible standards of conduct for the parties opposing the second sub-class.

h. The prosecutions of separate actions by individual second sub-class members would, as a practical matter, substantially impair or impede the interests of the other members of the class and other sub-classes to protect their interests.

- 1 i. The questions of law or fact common to the members of the second sub-  
2 class predominate over any questions affecting only individual members of  
3 the second sub-class on the topic of liability.
- 4 j. This liability class action is superior to other available methods for the fair  
5 and efficient adjudication of the controversy between the parties. Plaintiffs  
6 are informed and believe and thereon allege that most members of the  
7 second sub-class will not be able to find counsel to represent them.
- 8 k. Plaintiffs are informed and believe and thereon allege that it is desirable to  
9 concentrate all litigation in one forum because all the claims arise in the same  
10 location, date, and time—downtown Phoenix on the evening of May 30,  
11 2020 or early morning of May 31, 2020—and it will promote judicial  
12 efficiency to resolve the common questions of law and fact in one forum,  
13 rather than in multiple courts.
- 14 68. The third proposed sub-class in accordance with Fed. R. Civ. P. 23(a):
- 15 a. Is are so numerous that joinder of all members is impracticable. While the  
16 third sub-class size is currently unknown, upon information and belief, is  
17 more than forty (40) individuals.
- 18 b. In addition to the First Amendment Retaliation and unlawful arrest  
19 allegations, the claims of the third sub-class members have common  
20 questions of law and fact related to their conditions of confinement in that  
21 they were held for hours in poorly ventilated police vehicles without access  
22 to basic necessities as water, restrooms, or medical care.
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i. Specifically, the questions of law are that:

1. Whether a duty and responsibility of care exists for the Defendants in the manner in which they perform their law enforcement functions related to the detention of individuals.
2. Whether the detention of individuals in poorly ventilated police vehicles without access to necessities such as water, restrooms, or medical care breaches the duty and responsibility of care for the Defendants in the manner in which they perform their law enforcement functions related to the detention of individuals.

ii. Specifically, the questions of fact are that;

1. Whether individuals were detained in poorly ventilated police vehicles for hours without water, restrooms, or medical care in the late May Arizona heat.
2. The claims of the representative Plaintiffs of the third sub-class are typical of the sub-class they represent. Each representative Plaintiff was detained in poorly ventilated police vehicles for hours without water, restrooms, or medical care in the late May Arizona heat.

c. The representative Plaintiffs of the third sub-class are Tierra Colter, Corina Garcia, Maxima Guerrero Sanchez, Jeanette Hunt, Latanjra Jackson, Charlinda Martinez, Sierra McMartin, Jordan Thomas, Angela Tierney, and Melanie Vanek.

- 1           d. Each representative Plaintiff of the third sub-class has the same interests and  
2           suffered from the same type of legal injuries as the rest of the proposed third  
3           sub-class.
- 4           e. The representative Plaintiffs of the third sub-class will fairly and adequately  
5           protect the interests of the third sub-class. The interests of the  
6           representative Plaintiffs are consistent with and not antagonistic to the  
7           interests of the proposed third sub-class.
- 8           f. The prosecutions of separate actions by individual third sub-class members  
9           would create a risk that inconsistent and varying adjudications with respect  
10          to individual members of the third sub-class would establish incompatible  
11          standards of conduct for the parties opposing the third sub-class.
- 12          g. The prosecutions of separate actions by individual third sub-class members  
13          would, as a practical matter, substantially impair or impede the interests of  
14          the other members of the class and other sub-classes to protect their  
15          interests.
- 16          h. The questions of law or fact common to the members of the third sub-class  
17          predominate over any questions affecting only individual members of the  
18          third sub-class on the topic of liability.
- 19          i. This liability class action is superior to other available methods for the fair  
20          and efficient adjudication of the controversy between the parties. Plaintiffs  
21          are informed and believe and thereon allege that most members of the third  
22          sub-class will not be able to find counsel to represent them.
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1           j. Plaintiffs are informed and believe and thereon allege that it is desirable to  
2           concentrate all litigation in one forum because all the claims arise in the same  
3           location, date, and time—downtown Phoenix on the evening of May 30,  
4           2020 or early morning of May 31, 2020—and it will promote judicial  
5           efficiency to resolve the common questions of law and fact in one forum,  
6           rather than in multiple courts.

7           69. In accordance with Federal Rule of Civil Procedure 23(b)(3), class members  
8           must be furnished with the best notice practicable under the circumstances, including  
9           individual notice to all members who are identified through this limited discovery.  
10          Plaintiffs contemplate notice through mail to class members at the addresses publicly  
11          available through the arrest and booking records, motor vehicle data or “skip tracing,” and  
12          through “hotlines” devoted to reaching such class members by available listed phone data,  
13          if necessary. Plaintiffs contemplate the class notice will inform class members of the  
14          following:

- 15           a. The pendency of the class action, and the issues common to the class;
- 16           b. The nature of the action;
- 17           c. Their right to “opt out” of the action within a given time, in which  
18           event they will not be bound by a decision rendered in the class action;
- 19           d. Their right, if they do not “opt out,” to be represented by their own  
20           counsel and enter an appearance in the case; otherwise, they will be  
21           represented by the named Plaintiffs and their counsel; and
- 22           e. Their right, if they do “opt out,” to share in any recovery in favor of  
23           the class, and conversely to be bound by any judgment on the common

1 issues, adverse to the class.

2 70. Plaintiffs are represented by counsel with extensive class-action experience  
3 in civil rights cases. Collectively, Attorneys Murphy, Ruff, and Harris have successfully  
4 litigated a number of civil rights and/or class actions that have resulted in multi-million-  
5 dollar settlements. Attorneys Benedetto, Hamel, and Knight have litigated volumes of  
6 civils rights actions in the United States District Court for the District of Arizona.

7 71. As a result of the above-described conduct by the Defendants, Plaintiffs and  
8 class members have been denied their constitutional rights. Defendants’ policies, practices,  
9 conduct, and acts alleged herein have resulted in irreparable injury to Plaintiffs.

10

11 **FIRST CLAIM FOR RELIEF**  
12 **42 U.S.C. § 1983 –Unlawful Retaliation in Violation of the First Amendment**  
**(Against all Defendants and Officers to be Named)**

13 72. All other paragraphs of this lawsuit are incorporated.

14 73. 42 U.S.C section 1983 provides, in relevant part, as follows:

15 Every person, who under color of any statute, ordinance,  
16 regulation, custom or usage of any state or territory of the  
17 District of Columbia subjects or causes to be subjected any  
18 citizen of the United States or other person within the  
jurisdiction thereof to the deprivation of any rights, privileges  
or immunities secured by the constitution and law shall be  
liable to the party injured in an action at law, suit in equity, or  
other appropriate proceeding for redress . . .

19 42 U.S.C. § 1983.

20 74. Plaintiffs are citizens or residents of the United States with the rights to  
21 redress under section 1983.

22 75. Defendants Jeri Williams, Dennis Orender, Benjamin Moore, Douglas  
23 McBride, and the unknown officers (collectively, the “PPD Defendants”) involved in the

1 excessive use of force against Plaintiffs, are “persons” as that term is defined by 42 U.S.C.  
2 § 1983.

3 76. The PPD Defendants were, at all times relevant hereto, acting under the color  
4 of law in their capacities as the City of Phoenix Police Department employees; their acts  
5 and omissions, were conducted within the scope of their official duties or employment.

6 77. The PPD Defendants, as the decision-makers for both PPD and the Tactical  
7 Response Unit (the PPD unit that responded to the May 30, 2020 protests) undoubtedly  
8 were aware of and authorized the PPD officers’ use of force at the protests on May 30,  
9 2020. They also were aware of and authorized PPD officers’ plan to arrest all actual and  
10 perceived protesters in the downtown Phoenix area, and charge them with felony rioting  
11 using the same cut-and-paste probable cause statement.

12 78. The PPD Defendants and currently unknown officers deprived Plaintiffs of  
13 the right to protest peacefully. The PPD Defendants and currently unknown officers have  
14 done so through, among other things, the excessive use of force, unwarranted seizures and  
15 detentions, including unlawfully arresting individuals, and holding them in hot vans for  
16 hours without access to water or a restroom.

17 79. PPD’s past history and subsequent similar misconduct indicates that such  
18 conduct is intentional and the PPD Defendants and/or currently unknown officers were  
19 motivated, in part, by the desire to silence and disrupt Plaintiffs’ actual or perceived  
20 protected anti-police-violence views.

21 80. This unlawful behavior has prevented, deterred, or chilled Plaintiffs’  
22 willingness to exercise their First Amendment right entitling Plaintiffs to compensatory,  
23 economic, consequential and special damages in an amount to be determined at trial.



1 81. Plaintiffs are further entitled to his attorneys' fees and costs pursuant to 42  
2 U.S.C. § 1988, pre-judgment interest and costs as allowable by federal law.

3 82. Finally, in addition to compensatory, economic, consequential and special  
4 damages, Plaintiffs are entitled to punitive damages against Defendants under 42 U.S.C. §  
5 1983, in that the actions of the Defendants and/or 2currently unknown officers were taken  
6 maliciously, willfully, or with a reckless disregard of Plaintiffs' constitutional rights. Such  
7 damages would have to be determined individually, following establishing liability through  
8 this class action.

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10 **SECOND CLAIM FOR RELIEF**  
11 **42 U.S.C. § 1983 – Malicious arrest and institution of criminal proceedings in**  
12 **Violation of the Fourth Amendment**  
13 **(Against All Defendants and Officers To Be Named)**

14 83. All other paragraphs of this lawsuit are incorporated.

15 84. 42 U.S.C section 1983 provides, in relevant part, as follows:

16 Every person, who under color of any statute, ordinance,  
17 regulation, custom or usage of any state or territory of the  
18 District of Columbia subjects or causes to be subjected any  
19 citizen of the United States or other person within the  
20 jurisdiction thereof to the deprivation of any rights, privileges  
21 or immunities secured by the constitution and law shall be  
22 liable to the party injured in an action at law, suit in equity, or  
23 other appropriate proceeding for redress . . .

42 U.S.C. § 1983.

85. Plaintiffs are citizens or residents of the United States with the rights to  
redress under section 1983.

86. Defendants Jeri Williams, Dennis Orender, Benjamin Moore, Douglas  
McBride, (collectively, the "PPD Defendants"), and the currently unknown officers  
involved in the excessive use of force against Plaintiffs, are "persons" as that term is

1 defined by 42 U.S.C. § 1983.

2 87. The PPD Defendants and currently unknown officers were, at all times  
3 relevant hereto, acting under the color of law in their capacities as the City of Phoenix  
4 Police Department employees; their acts and omissions, were conducted within the scope  
5 of their official duties or employment.

6 88. The mass arrests of 124 individuals, and the use of a cut-and-paste probable  
7 cause statement to support all 124 arrests required mass coordination amongst hundreds of  
8 PPD officers. This coordination likely required approval by PPD decision-makers,  
9 including approval of the tactic/strategy to conduct mass arrests, and approval of the cut-  
10 and-paste probable cause statement and circulation amongst on-duty PPD officers.

11 89. The PPD Defendants, as the decision-makers for both PPD and the Tactical  
12 Response Unit (the PPD unit that responded to the May 30, 2020 protests) undoubtedly  
13 were aware of and authorized the PPD officers' plans to "round up" protesters, or perceived  
14 protesters, on May 30, 2020, to charge them with a felony, and support their arrests and  
15 charges using the identical cut-and-paste probable cause statement.

16 90. At the time of the complained-of events, the Fourth Amendment to the  
17 United States Constitution clearly established Plaintiff's right to be secure in his person  
18 from unreasonable seizure through an arrest unsupported by probable cause (an "unlawful  
19 arrest").

20 91. At the time of the complained-of events, any reasonable police officer would  
21 have known that the Constitution clearly establishes the right of American citizens to be  
22 secure in their persons from unreasonable seizure through an unlawful arrest.

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1           92. Objectively reasonable police officers in the position of the PPD Defendants  
2 and/or currently unknown officers would not have caused Plaintiffs to be arrested for  
3 felony rioting because probable cause did not exist to arrest Plaintiffs and Plaintiffs had  
4 committed or were committing any crime at the time of their arrest.

5           93. The actions of the PPD Defendants and/or currently unknown officers, as  
6 described herein, were malicious and/or involved reckless, callous, and deliberate  
7 indifference to Plaintiffs' federally protected rights, including but not limited to their First  
8 and Fourth Amendment rights.

9           94. The actions of the PPD Defendants and/or currently unknown officers were  
10 moving forces behind Plaintiffs' injuries, intentionally depriving them of their  
11 constitutional rights and causing them other damages.

12           95. The PPD Defendants and/or currently unknown officers are not entitled to  
13 qualified immunity for the conduct complained of in this Complaint because no reasonable  
14 officer could believe that the actions described in this lawsuit were objectively reasonable.

15           96. As a proximate result of the actions of the PPD Defendants and/or currently  
16 unknown officers unlawful and unconstitutional conduct, Plaintiff suffered injuries and  
17 other damages and losses as described herein entitling Plaintiffs to compensatory,  
18 economic, consequential and special damages in an amount to be determined at trial.

19           97. Plaintiffs are further entitled to attorneys' fees and costs pursuant to 42  
20 U.S.C. § 1988, pre-judgment interest and costs as allowable by federal law.

21           98. Finally, in addition to compensatory, economic, consequential and special  
22 damages, Plaintiffs are entitled to punitive damages against Defendants under 42 U.S.C. §  
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1 1983, in that the actions of the Defendants and/or currently unknown officers were taken  
2 maliciously, willfully, or with a reckless disregard of Plaintiffs' constitutional rights.

3 **THIRD CLAIM FOR RELIEF**

4 **42 U.S.C. § 1983 – Excessive Force in Violation of the Fourth Amendment**  
5 **(Against all Defendants and Officers To Be Named)**

6 99. All other paragraphs of this lawsuit are incorporated.

7 100. 42 U.S.C section 1983 provides, in relevant part, as follows:

8 Every person, who under color of any statute, ordinance,  
9 regulation, custom or usage of any state or territory of the  
10 District of Columbia subjects or causes to be subjected any  
11 citizen of the United States or other person within the  
12 jurisdiction thereof to the deprivation of any rights, privileges  
13 or immunities secured by the constitution and law shall be  
14 liable to the party injured in an action at law, suit in equity, or  
15 other appropriate proceeding for redress . . .

16 42 U.S.C. § 1983.

17 101. Plaintiffs are citizens or residents of the United States with the rights to  
18 redress under section 1983.

19 102. Defendants Jeri Williams, Dennis Orender, Benjamin Moore, Douglas  
20 McBride, (collectively, the “PPD Defendants”), and the currently unknown officers  
21 involved in the excessive use of force against Plaintiffs, are “persons” as that term is  
22 defined by 42 U.S.C. § 1983.

23 103. The PPD Defendants and currently unknown officers were, at all times  
relevant hereto, acting under the color of law in their capacities as the City of Phoenix  
Police Department employees; their acts and omissions, were conducted within the scope  
of their official duties or employment.

104. The PPD Defendants, as the decision-makers for both PPD and the Tactical  
Response Unit (the PPD unit that responded to the May 30, 2020 protests) were aware of

1 and authorized the PPD officers' use of force at the protests on May 30, 2020.

2 105. At the time of the complained-of events, the Fourth Amendment to the  
3 United States Constitution clearly established Plaintiffs' right to be secure in his person  
4 from unreasonable seizure through excessive force.

5 106. At the time of the complained-of events, any reasonable police officer would  
6 have known that the Constitution clearly establishes the right of American citizens to be  
7 secure in their persons from unreasonable seizure through excessive force.

8 107. Defendants' actions and use of force – including but not limited to their  
9 unnecessary deployment of tear gas, pepper balls, pepper-spray, mace, rubber-coated  
10 bullets, and beanbag rounds – were objectively unreasonable in light of the facts and  
11 circumstances confronting them and violated Plaintiffs' rights.

12 108. Defendants' actions and use of force, as described herein, were also  
13 malicious and/or involved reckless, callous, and deliberate indifference to Plaintiffs'  
14 federally protected rights.

15 109. Defendants engaged in the above-described conduct willfully, maliciously,  
16 in bad faith, with willful indifference to and in reckless disregard of Plaintiffs' federally  
17 protected constitutional rights, and with conscious awareness that they would cause  
18 Plaintiffs to suffer physical, emotional, and psychological injuries.

19 110. Defendants' acts and/or omissions were moving forces behind Plaintiffs'  
20 injuries, causing them to experience physical injuries, physical pain, anxiety, humiliation,  
21 and/or emotional distress. And each of the Plaintiffs have incurred and will incur in the  
22 future, medical and related expenses, past and future lost earnings, loss of property, and/or  
23 compensatory, economic, consequential, special and general damages in an amount to be

1 proven at trial.

2 111. Defendants are not entitled to qualified immunity for the conduct complained  
3 of in this Complaint because no reasonable officer could believe that the actions described  
4 in this lawsuit were objectively reasonable.

5 112. Plaintiffs are further entitled to attorneys' fees and costs pursuant to 42  
6 U.S.C. § 1988, pre-judgment interest and costs as allowable by federal law.

7 113. In addition to compensatory, economic, consequential and special damages,  
8 Plaintiffs are entitled to punitive damages against the individual Defendants under 42  
9 U.S.C. § 1983, in that the actions of these Defendants were taken maliciously, willfully, or  
10 with a reckless disregard of Plaintiffs' constitutional rights.

11  
12 **FOURTH CLAIM FOR RELIEF**  
13 **42 U.S.C. § 1983 – Municipal Liability under *Monell***  
14 **(Against City of Phoenix Only)**

14 114. All other paragraphs of this lawsuit are incorporated.

15 115. Municipal bodies are liable for constitutional violations under 42 U.S.C. §  
16 1983 when execution of its official policy or custom deprives an individual of its rights  
17 protected by the Constitution.

18 116. Such municipal liability exists when a city fails to properly train, supervise,  
19 or discipline its employees, amounting to a deliberate indifference to a plaintiff's  
20 constitutional rights.

21 117. The Phoenix Police Department has a custom or practice of unlawfully  
22 deploying chemical and kinetic weapons to illegally disperse and disrupt non-violent  
23 protests. In fact, over the past five years, PPD has been subject to multiple excessive force

1 lawsuits, including an additional class action, brought by protesters.

2 118. The Phoenix Police Department has a custom or practice of unlawfully  
3 arresting and maliciously prosecuting protesters based upon their anti-police violence  
4 beliefs, or perceived anti-police violence beliefs. In fact, over the past five years, PPD has  
5 been subject to multiple lawsuits, brought by protesters claiming unlawful arrest and  
6 malicious prosecution.

7 119. More, the mass arrests of 124 individuals, and the use of a cut-and-paste  
8 probable cause statement required mass coordination amongst hundreds of PPD officers.  
9 This coordination likely required approval by PPD decision-makers, including approval of  
10 the tactic/strategy to conduct mass arrests, and approval of the cut-and-paste probable cause  
11 statement and circulation amongst on-duty PPD officers.

12 120. The PPD Defendants, as the decision-makers for both PPD and the Tactical  
13 Response Unit (the PPD unit that responded to the May 30, 2020 protests) were aware of  
14 and authorized the PPD officers' plans to use force against protesters; "round up"  
15 protesters, or perceived protesters on May 30, 2020, to charge them with a felony; and  
16 support their arrests and charges using the identical cut-and-paste probable cause  
17 statement.

18 ***Defendant City of Phoenix Ratified the Illegal Policies, Procedures, and***  
19 ***Practices Utilized by PPD at the May 30, 2020 Protests***

20 121. The City of Phoenix has vested final decision-making authority in its Chief  
21 of Police, Defendant Jeri Williams, in the area of law enforcement and setting and  
22 implementing the policies and practices of the PPD, including but not limited to the  
23 development, implementation, and/or ratification of the PPD's procedures, policies,

1 regulations, practices, and/or customs related to its use of force in response to political  
2 protests, the handling of large political protests, demonstrations, and marches, and the use  
3 of chemical and kinetic weapons against civilians.

4 122. On May 30, 2020, PPD officers engaged in an inordinate and indiscriminate  
5 use of force, unnecessarily injuring hundreds of people attempting to express their views,  
6 and they did not without provocation, justification, or warnings. Worse, the types of  
7 weapons used against non-violent demonstrators—largely chemical weapons—forced  
8 individuals to remove their masks and cough and sneeze on one another during a global  
9 pandemic spread through respiratory droplets.

10 123. On May 30, 2020, PPD officers also conducted mass arrests in the downtown  
11 Phoenix area. They arrested anyone who was on the street or in vehicles, whether they had  
12 attended a protest or not. To support these mass arrests and cause individuals to be booked  
13 into jail, PPD officers used identical, and illegal, cut-and-paste probable cause statements.

14 124. Immediately following this violent display of force and gross abuse of power,  
15 the procedures and violence used by PPD were ratified by Chief Williams who praised her  
16 officers' conduct during these protests and who refused to discipline any officers involved  
17 in these illegal activities.

18 125. In a statement to the press about these arrests, Chief Williams said: “[A]t the  
19 end of the day, I do know that my officers were functioning under justice, under trying to  
20 protect public safety, because our number one priority is safety. So you’re talking about  
21 pulling people out of cars . . . those cars were used to help fortify and give guns, knives . .  
22 . I’m sorry, rocks and bottles, water, food, to those individuals who were absolutely there  
23 to commit crimes.”



1           126. Afterwards, the City awarded PPD with millions of dollars in overtime for  
2 responding to these protests.

3           127. These endorsements of police misconduct had the intended impact: PPD  
4 failed to change its behavior, and instead continued to unlawfully arrest and maliciously  
5 prosecute Black Lives Matter protesters.

6           128. In other words, the policies, patterns, practices, and/or customs of condoned  
7 misconduct are tacitly or overtly sanctioned by the City of Phoenix, as evidenced by the  
8 PPD's own history of similar misconduct; the conduct of the PPD Defendants both during  
9 and in the aftermath of May 30, 2020; the statements made by City leadership; and PPD's  
10 continued misconduct. These policies, patterns, practices, and/or customs, violate the  
11 constitutional rights of Plaintiffs and others in Plaintiffs' situation.

12           129. As a direct and proximate result of these actions and failures, Plaintiffs were  
13 injured and suffered damages in an amount to be proven at individual damages trials.

14           ***As a Matter of Policy, Practice, and Custom, Defendant City of Phoenix and the PPD***  
15           ***Defendants Failed to Adequately Train PPD Officers in Lawful Crowd Control***  
16           ***Techniques and Proper Arrests***

17           130. The City of Phoenix has vested final decision-making authority in its Chief  
18 of Police, Defendant Jeri Williams, in the area of law enforcement and setting and  
19 implementing the policies and practices of the PPD, including but not limited to the  
20 development, implementation, and/or ratification of the PPD's procedures, policies,  
21 regulations, practices, and/or customs related to its use of force in response to political  
22 protests, the handling of large political protests, demonstrations, and marches, and the use  
23 of chemical and kinetic weapons against civilians.

1           131. Defendant Williams and her delegated command staff, including the PPD  
2 Defendants in charge of supervising and/or managing the Tactical Response Unit, were  
3 aware that the unlawful use of dangerous weapons in violent and unlawful ways to break  
4 up peaceful associations and speech is a regular custom and practice of PPD personnel.  
5 Indeed, many of the PPD Defendants have been named in multiple lawsuits making similar  
6 claims.

7           132. Defendant Williams and her delegated command staff, including the PPD  
8 Defendants in charge of supervising and/or managing the Tactical Response Unit, were  
9 aware that PPD personnel would unlawfully arrest protesters as a way to disrupt and  
10 discourage peaceful associations and speech; particularly speech critical of either PPD or  
11 police in general. Indeed, many of the PPD Defendants have been named in multiple  
12 lawsuits making similar claims, and this regular practice is now the subject of three  
13 independent internal investigations in the City of Phoenix.

14           133. Because of PPD's prior history of misconduct at protests, it was critical to  
15 take all steps necessary to ensure that official policy was changed and that officers were  
16 trained in a manner sufficient to address the well-known, constitutionally deficient  
17 practices and customs that violate individuals' First and Fourth Amendment rights.

18           134. Defendant City and the PPD Defendants have known of the deficiencies in  
19 PPD policies and training since at least 2010. Despite the long history of unlawful PPD  
20 conduct at First Amendment assemblies and demonstrations, and the longstanding  
21 deficiencies in the training of PPD line and command staff on proper law enforcement  
22 conduct, the City failed to adequately train its officers and command staff prior to May 30,  
23 2020 protests in the rights of demonstrators, lawful crowd control, dispersal orders,

1 separating those engaged in lawful conduct from those engaged in unlawful conduct, the  
2 permissible use of “less-than-lethal” weapons during demonstrations, the permissible use  
3 of force in such situations, and lawful arrests. This failure amounted to deliberate  
4 indifference to the rights of persons with whom PPD come into contact.

5 **FIFTH CLAIM FOR RELIEF**  
6 **Civil Conspiracy under Arizona Law**  
7 **(Against Defendant City of Phoenix Only)**

8 135. All other paragraphs of this lawsuit are incorporated.

9 136. As set forth herein, employees of the Defendant City of Phoenix, including  
10 the PPD Defendants and currently unknown officers, agreed and/or conspired to commit  
11 the tort of false arrest of hundreds of individuals, including Plaintiffs on the evening of  
12 May 30, 2020 / early morning of May 31, 2020.

13 137. As set forth herein, employees of the Defendant City of Phoenix, including  
14 the PPD Defendants and currently unknown officers agreed and/or conspired to commit  
15 the tort of false arrest through unlawful means, namely the use of a manufactured, cut-and-  
16 paste probable cause statement to support false felony charges against the 124 arrested  
17 individuals.

18 138. The mass arrests of 124 individuals, and the use of a manufactured, cut-and-  
19 paste probable cause statement to support false felony charges against these individuals  
20 required mass coordination amongst hundreds of PPD officers. This coordination required  
21 approval the PPD Defendants, including approval of the tactic/strategy to conduct mass  
22 arrests, and approval of the cut-and-paste probable cause statement and circulation amongst  
23 on-duty PPD officers.



1 amongst on-duty PPD officers.

2 145. These employees of the Defendant City of Phoenix, including the PPD  
3 Defendants knew that the conduct of currently unknown officers – including the mass arrest  
4 of individuals and the use of a manufactured cut-and-paste probable cause statement to  
5 support the false felony charges of those arrested—constituted the tort of unlawful arrest.

6 146. These employees of the Defendant City of Phoenix, including the PPD  
7 Defendants aided and abetted in the commission of the tort of unlawful arrest by  
8 authorizing, approving, acquiescing, directing, and/or directly participating in the tort’s  
9 commission.

10 147. As a direct and proximate cause of this misconduct Plaintiffs were injured  
11 and suffered other damages in an amount to be proven at individual damages trials.

12 148. As set forth above, the PPD Defendants and currently unknown officers  
13 engaged in this conspiracy were acting in the course and scope of their employment as  
14 employees of the City of Phoenix, and the City of Phoenix is therefore vicariously liable  
15 for the damages caused by their aiding and abetting of tortious conduct.

16 **SEVENTH CLAIM FOR RELIEF**  
17 **Gross Negligence**  
18 **(Against Defendant City of Phoenix Only)**

19 149. All other paragraphs of this lawsuit are incorporated.

20 150. As set forth herein, all employees of the Defendant City of Phoenix,  
21 including the PPD Defendants, owed Plaintiffs a duty of reasonable care with respect to  
22 their safety, physical health, and Constitutional rights.

23 151. As set forth herein, employees of Defendant City of Phoenix, including the  
PPD Defendants, failed to properly supervise and train currently unknown officers in the

1 rights of demonstrators, lawful crowd control, dispersal orders, separating those engaged  
2 in lawful conduct from those engaged in unlawful conduct, the permissible use of “less-  
3 than-lethal” weapons during demonstrations, the permissible use of force in such situations,  
4 and lawful arrests, prior to the May 30, 2020 protests.

5 152. The PPD Defendants in charge of supervising and/or managing the Tactical  
6 Response Unit, were aware that the unlawful use of dangerous weapons in violent and  
7 unlawful ways to break up peaceful associations and speech is a regular custom and  
8 practice of PPD personnel. Indeed, many of the PPD Defendants have been named in  
9 multiple lawsuits making similar claims.

10 153. The PPD Defendants in charge of supervising and/or managing the Tactical  
11 Response Unit, were aware that PPD personnel would unlawfully arrest protesters as a way  
12 to disrupt and discourage peaceful associations and speech; particularly speech critical of  
13 either PPD or police in general. Indeed, many of the PPD Defendants have been named in  
14 multiple lawsuits making similar claims, and this regular practice is now the subject of  
15 three independent internal investigations in the City of Phoenix.

16 154. Despite knowing the above, PPD Defendants failed to train and/or properly  
17 supervise currently unknown officers prior to May 30, 2020 protests, and this failure  
18 breached their duty of care of Plaintiffs.

19 155. As a direct and proximate cause of the PPD Defendants breach of duty,  
20 Plaintiffs were injured and suffered other damages in an amount to be proven at individual  
21 damages trials.

22 156. As set forth above, the PPD Defendants were acting in the course and scope  
23 of their employment as employees of the City of Phoenix, and the City of Phoenix is

1 therefore vicariously liable for the damages caused by their tortious conduct.

2 **EIGHTH CLAIM FOR RELIEF**  
3 **Intentional Infliction of Emotional Distress**  
4 **(Against Defendant City of Phoenix Only)**

4 157. All other paragraphs of this lawsuit are incorporated.

5 158. As set forth above, employees of Defendant City of Phoenix, acting in the  
6 course and scope of their employment, engaged in a series of acts that an average member  
7 of the community would regard as atrocious, intolerable in a civilized community, and  
8 beyond all possible bounds of decency. In particular, employees of Defendant City of  
9 Phoenix caused Plaintiffs to be unlawfully arrested for a felony they did not commit,  
10 detained them for hours, and ultimately caused them to be booked into jail during a global  
11 respiratory pandemic.

12 159. These employees of the City either personally participated in these activities,  
13 acted jointly or conspired with others who did so; authorized, acquiesced in, or set in  
14 motion policies, plans, or actions that led to the unlawful conduct; failed to take action to  
15 prevent such unlawful conduct; failed to maintain adequate training and supervision in  
16 deliberate indifference to Plaintiffs' rights; and ratified unlawful conduct that occurred by  
17 agents and officers under their direction, supervision, and control, including failing to take  
18 remedial or disciplinary action.

19 160. The aforementioned conduct was intentional insofar as it intended to cause  
20 Plaintiffs emotional distress (and discourage them from participating in protected First  
21 Amendment activities).

22 161. The aforementioned conduct was reckless because those engaging in that the  
23 employees of the Defendant City of Phoenix were aware of and consciously disregarded

1 the near certainty that their actions would cause Plaintiffs emotional distress.

2 162. The aforementioned conduct did, indeed, cause Plaintiffs to suffer emotional  
3 distress.

4 163. As a direct and proximate result of these actions, Plaintiffs were injured and  
5 suffered damages in an amount to be proven at individual damages trials.

6 **NINTH CLAIM FOR RELIEF**  
7 **Invasion of Privacy – False Light under Arizona Law**  
8 **(Against Defendant City of Phoenix Only)**

8 164. All other paragraphs of this lawsuit are incorporated.

9 165. As set forth herein, employees of the Defendant City of Phoenix, acting in  
10 the course and scope of their employment, made false and misleading public statements  
11 against Plaintiffs – namely that they had committed the crime of felony rioting on or about  
12 May 30, 2020.

13 166. The statements of these employees of the Defendant City of Phoenix create  
14 a false impression about Plaintiffs, namely that they had engaged in violence and  
15 participated in a riot.

16 167. The impression created about Plaintiffs – that they had engaged in violence  
17 and participated in a riot – would be highly offensive to any reasonable person.

18 168. The false and misleading statements caused Plaintiffs to be damaged and  
19 negatively impacted their community standing, professional reputation, emotional well-  
20 being, and mental health.

21 169. At the time the false statement was made, employees of the Defendant City  
22 of Phoenix either knew the statement would create a false impression of Plaintiffs or acted  
23 in reckless disregard of the fact that their statement would create a false impression of



1 Plaintiffs.

2 170. As set forth above, the PPD Defendants were acting in the course and scope  
3 of their employment as employees of the City of Phoenix, and the City of Phoenix is  
4 therefore vicariously liable for the damages caused by their tortious conduct.

5 **TENTH CLAIM FOR RELIEF**  
6 **Defamation Under Arizona Law**  
**(Against Defendant City of Phoenix Only)**

7 171. All other paragraphs of this lawsuit are incorporated.

8 172. As set forth herein, employees of the Defendant City of Phoenix, acting in  
9 the course and scope of their employment, made defamatory statements of fact about  
10 Plaintiffs – namely that they had committed the crime of felony rioting on or about May  
11 30, 2020.

12 173. This statement was false at the time it was made.

13 174. The employees of the Defendant City of Phoenix who made this false  
14 statement had actual knowledge that this statement was false at the time it was made  
15 because it was based upon a manufactured cut-and-paste statement.

16 175. This false statement was published on each and every Plaintiff's Form IV  
17 Probable Cause statement – which is public record.

18 176. The statement caused Plaintiffs to be damaged and negatively impacted their  
19 community standing, reputation, emotional well-being, mental health, and financial  
20 stability.

21 177. At the time the false statement was made, the employees of the Defendant  
22 City of Phoenix either knew the statement the false, or they acted in reckless disregard of  
23 its falsity.

1           178. As set forth above, the PPD Defendants were acting in the course and scope  
2 of their employment as employees of the City of Phoenix, and the City of Phoenix is  
3 therefore vicariously liable for the damages caused by their tortious conduct.

4                                       **PRAYER FOR RELIEF**

5           **WHEREFORE**, Plaintiffs request that the Court enter judgment against  
6 Defendants as follows:

- 7           a. For compensatory damages (general and special) in an amount to compensate  
8 Plaintiffs fully and fairly for the violations of their Constitutional Rights;
- 9           b. For general, consequential, special, and compensatory damages, including  
10 but not limited to their pain and suffering, mental anguish, emotional  
11 suffering, and loss of enjoyment of life;
- 12           c. For nominal damages as provided for by law;
- 13           d. For punitive damages in an amount sufficient to punish defendants and deter  
14 them from similar unconstitutional and unlawful conduct in the future;
- 15           e. For prejudgment interest on all liquidated sums;
- 16           f. For a permanent injunction prohibiting Defendants from using chemical and  
17 kinetic weapons and methods of “crowd-control” at protests;
- 18           g. For a permanent injunction prohibiting Defendants from engaging in any  
19 other unconstitutional behaviors as described herein and order the change of  
20 City of Phoenix policies as appropriate to ensure they do not continue to  
21 engage in unconstitutional conduct in the future;
- 22           h. For a permanent injunction entering a Notation of Clearance under A.R.S. §  
23 13-4051 on behalf of all Plaintiffs;

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- i. For attorneys' fees under 42 U.S.C. §§ 1983 and 1988;
- j. For Plaintiff's costs and other expenses incurred in this action; and
- k. Such other and further relief as the Court deems just.

DATED this 28<sup>th</sup> day of May, 2021.

THE PEOPLE'S LAW FIRM, PLC  
645 North 4<sup>th</sup> Avenue, Suite A  
Phoenix, Arizona 85003

By: /s/ Stephen D. Benedetto  
Stephen D. Benedetto  
Heather Hamel  
Will Knight

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

**Civil Cover Sheet**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

**The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.**

**Plaintiff(s):** Maxima Guerrero ; Talleah Alvarado ; Alexander Anderson ; Tierra Colter ; Osama Daood ; Corina Garcia ; Shane Haisten ; Anthony Harding ; Jeanette Hunt ; Latanja Jackson ; Brandon LeMar ; Erika Martin ; Charlinda Martinez ; Sierra McMartin ; Marco Nevarez ; Darric Newman ; Corey Niass ; Dylan Southworth ; Jordan Thomas ; Angela Tierney ; Melodie Vanek ; Ajani Williams ; Emmalee Zenko

**Defendant(s):** City of Phoenix ; Jeri Williams ; Dennis Orender ; Douglas McBride ; Benjamin Moore

County of Residence: Maricopa

County of Residence: Maricopa

County Where Claim For Relief Arose: Maricopa

Plaintiff's Atty(s):

Defendant's Atty(s):

**Stephen D. Benedetto** (Maxima Guerrero ; Talleah Alvarado ; Alexander Anderson ; Tierra Colter ; Osama Daood ; Corina Garcia ; Shane Haisten ; Anthony Harding ; Jeanette Hunt ; Latanja Jackson ; Brandon LeMar ; Erika Martin ; Charlinda Martinez ; Sierra McMartin ; Marco Nevarez ; Darric Newman ; Corey Niass ; Dylan Southworth ; Jordan Thomas ; Angela Tierney ; Melodie Vanek ; Ajani Williams ; Emmalee Zenko )

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**Will Knight** (Maxima Guerrero ; Talleah Alvarado ; Alexander Anderson ; Tierra Colter ; Osama Daood ; Corina Garcia ; Shane Haisten ; Anthony Harding ; Jeanette Hunt ; Latanja Jackson ; Brandon LeMar ; Erika Martin ; Charlinda Martinez ; Sierra McMartin ; Marco Nevarez ; Darric Newman ; Corey Niass ; Dylan Southworth ; Jordan Thomas ; Angela Tierney ; Melodie Vanek ; Ajani Williams ; Emmalee Zenko )

**The People's Law Firm**  
**645 North 4th Avenue, Suite A**  
**Phoenix, Arizona 85003**  
**602-456-1901**

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II. Basis of Jurisdiction:                    **3. Federal Question (U.S. not a party)**

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff:- **N/A**  
Defendant:- **N/A**

IV. Origin :                                    **1. Original Proceeding**

V. Nature of Suit:                        **440 Other Civil Rights**

VI.Cause of Action:                    **42 U.S.C. section 1983**

VII. Requested in Complaint

Class Action: **Yes**

Dollar Demand: **15,000,000**

Jury Demand: **Yes**

VIII. This case is not related to another case.

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**Signature: Stephen D. Benedetto**

**Date: 05/28/2021**

**If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.**

Revised: 01/2014