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13 Attorneys for Plaintiffs,  
 14 Luis Alicea, Wanda Alicea,  
 15 Monica Perez, and Ana Vazquez

16 **UNITED STATES DISTRICT COURT**  
 17 **DISTRICT OF IDAHO**

19 LUIS ALICEA, as Personal Representative of  
 20 the Estate of Victor Perez (deceased); WANDA  
 ALICEA, mother of decedent,

21 Plaintiffs,

22 vs.

23 CITY OF POCATELLO, a municipal  
 24 corporation; and DOES 1-50, inclusive,  
 25 individually, jointly and severally,

26 Defendants.

CASE NO.: 4:25-cv-00333-DCN

**FIRST AMENDED COMPLAINT**

27 **JURISDICTION**



1 Idaho law. Plaintiff intends to comply with all administrative remedies pursuant to Idaho Code  
2 Sections 6-905 through 6-907. Plaintiffs filed a claim with the City of Pocatello on April 16, 2025.  
3 Plaintiff has exhausted all administrative remedies pursuant to Idaho Code Sections 6-905 through 6-  
4 907.

5 **FACTUAL ALLEGATIONS**

6 8. The Incident took place April 05, 2025. The time was approximately 5:30 P.M. The  
7 location of the incident was 703 North Harrison Avenue, Pocatello, Idaho 83209. Pocatello Police  
8 Department used excessive force against VICTOR PEREZ and were deliberately indifferent to V.P.'s  
9 constitutional rights in their conduct preceding the shooting.

10 9. Perez was a non-verbal autistic child that suffered from cerebral palsy. He was  
11 seventeen years old. Pocatello Police Department was dispatched to the residence for a possible  
12 domestic disturbance. Four officers arrived on scene. Within moments of arriving the officers  
13 discharged their weapons. The officers shot Mr. Perez nine times. No de-escalation methods were  
14 attempted. Perez possessed a knife at the time of the incident. However, Mr. Perez was located  
15 behind a chain link fence. He posed no threat to the officers to warrant the level of force used. After  
16 multiple surgeries, Perez was declared brain dead. PEREZ endured conscious pain and suffering prior  
17 to his death, proximately caused by the excessive and unjustified use of deadly force. He was taken  
18 off life support.

19 10. As a result, the Pocatello Police Department caused the death of VICTOR PEREZ. In  
20 addition, Mr. Perez's family members, including Luis Alicea, grandfather and guardian to Decedent  
21 VICTOR PEREZ; Wanda Alicea, mother to Decedent VICTOR PEREZ; Monica Perez, sister to  
22 Decedent VICTOR PEREZ; Ana Vazquez, aunt to Decedent VICTOR PEREZ were present and  
23 suffered emotional distress caused by witnessing the reckless conduct of the involved officers by  
24 their negligent infliction of emotional distress.

25 **OFFICERS HAD NOTICE OF PEREZ'S TENDENCY FOR MENTAL HEALTH CRISES**

26  
27 Defendants had prior notice of VICTOR PEREZ's mental issues and communication  
28 limitations. There is documented proof of notice based on prior visits to the residence:

1 • **DECEMBER 2, 2024**: Officer T. Anderson documented Perez as "mentally disabled,"  
2 "somewhat non-verbal," family spoke "broken English," required Spanish communication [Exhibit A,  
3 Pocatello Police Department, Detail Incident Report No. 24-P27827 (Dec. 4, 2024)].

4 • **FEBRUARY 25, 2025**: Officers Forburger and Adamson responded to same address for  
5 disturbance involving nonverbal, autistic resident whose family spoke only Spanish. [Exhibit A,  
6 Pocatello Police Department, Detail Incident Report No. 25-P03674 (Feb. 25, 2025)].

#### 7 **OFFICERS FAILED TO DE-ESCALATE**

8 11. Officers responding to arrest subjects in the midst of mental health crises are trained to  
9 de-escalate these situations by utilizing use time, distance, tactical communication, and tactical  
10 repositioning. [POST Learning Domain 33] Here, as previously stated, Pocatello officers had prior  
11 notice of Victor Perez's proclivities related to having mental health crises based on previous calls in  
12 December 2024 and February 2025. Based on the video the officers failed to employ de-escalation  
13 techniques as outlined below:

- 14 • **TIME**: The officers arrived at 6:42. They fired and shot Victor Perez at 6:48. [Idaho News 6,  
15 *supra*, at 6:42-6:48]. Six seconds is not sufficient tactical use of time as a means to de-  
16 escalate and arrest when the subject is experiencing a mental health crisis.
- 17 • **DISTANCE**: When the officers pulled their firearms and began shouting commands, a four-  
18 foot chain link fence separated the officers from Victor Perez. [Idaho News 6, *supra*, at 6:42-  
19 8:02] The officers were positioned on the south side of the fence. [Idaho News 6, *supra*, at  
20 7:56] When officers opened fire on Perez, he stood approximately four feet north of the fence  
21 separating him from the officers. [Idaho News 6, *supra*]. There was sufficient distance  
22 between the officers and Perez showed no indication that he was attempting to get over the  
23 fence that separated the DEFENDANTS and everyone else from him. Mr. Perez was no threat  
24 to anyone when DEFENDANTS shot and killed him.
- 25 • **COMMUNICATION**: Communication efforts were inadequate given the officers'  
26 documented knowledge of Perez's limitations. Despite prior incident reports clearly  
27 establishing that Perez was non-verbal and autistic, and that his family required Spanish-  
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1 language communication, the officers resorted to yelling commands in English. [Pocatello  
2 Police Department, Detail Incident Report No. 24-P27827 (Dec. 4, 2024)].

- 3 • **TACTICAL REPOSITIONING**: Just before the shooting, officers were positioned on the  
4 north side of the fence. [Idaho News 6, *supra*, at 8:02] Victor was positioned south of the  
5 fence four feet beyond. [Idaho News 6, *supra*, at 8:02] Here, the officers could have moved  
6 backwards and continued to give commands. The fence, which separated the officers from  
7 Victor presented numerous opportunities to utilize tactical repositioning as a de-escalation  
8 method.

## 9 10 **CAUSES OF ACTION**

### 11 **FIRST CAUSE OF ACTION**

12 **(42 U.S.C. § 1983: Violation of the Fourth Amendment of the United States Constitution -**  
13 **Excessive Force)**  
14 **(Plaintiff LUIS ALICEA, as Personal Representative of the Estate of Victor Perez)**  
15 **(Against Defendants and DOES 1-50)**

16 12. PLAINTIFF re-alleges and incorporates by reference paragraphs 1 through 11 of this  
17 Complaint.

18 13. Defendant's above-described conduct violated PLAINTIFF'S rights as provided for  
19 under the Fourth Amendment to the United States Constitution.

20 14. At all relevant times, Defendant officers DOES 1–50 were acting under color of state  
21 law and within the course and scope of their employment with Defendant CITY, through the  
22 Pocatello Police Department.

23 15. On or about April 5, 2025, Defendant officers responded to a domestic disturbance  
24 call at the residence of DECEDENT, V.P., a 17-year-old autistic, non-verbal minor with cerebral  
25 palsy. Prior incident reports from December 2024 and February 2025 documented V.P.'s disabilities,  
26 communication limitations, and the family's limited English proficiency. CITY and employees acting  
27 in their capacity of agents of the Pocatello Police Department had a legal obligation to protect the  
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1 health and safety of all persons including PEREZ. This duty was breached when Defendant officers  
2 used lethal force against a mentally and physically disabled minor child.

3 16. Upon arrival, Defendant officers encountered V.P. behind a four-foot chain-link fence  
4 in a disoriented state, holding a knife. V.P. was not advancing toward the officers, did not verbally  
5 respond, and exhibited signs of physical and cognitive disability. Despite this, Defendant officers  
6 issued shouted commands in English and immediately escalated the encounter.

7 17. Without attempting de-escalation, communication, or tactical repositioning, Defendant  
8 officers fired multiple rounds at V.P. within seconds of arrival—ultimately shooting him nine times.  
9 No less-lethal methods were attempted. The officers had sufficient time, distance, and information to  
10 avoid using deadly force. V.P. was not an immediate threat to the officers or anyone’s safety.

11 WHEREFORE, PLAINTIFF prays for relief as hereinafter set forth.

12 **SECOND CAUSE OF ACTION**

13 **(42 U.S.C. § 1983: Violation of the 14th Amendment of the United States**  
14 **Constitution: Substantive Due Process – Loss of Familial Relationship)**  
15 **(Plaintiff WANDA ALICEA, mother of decedent)**  
16 **(Against Defendants CITY, and DOES 1-50)**

17 18. PLAINTIFF re-alleges and incorporates by reference paragraphs 1 through 17 of this  
18 Complaint.

19 19. Plaintiff WANDA ALICEA is the biological mother of the DECEDENT, V.P.  
20 Plaintiff shared a close familial bond with V.P. and participated in his daily life and care. V.P. was a  
21 minor at the time of his death and lived with or near the Plaintiff at all times relevant.

22 20. Defendants’ above-described conduct violated PLAINTIFF’s rights as provided for  
23 under the Fourteenth Amendment to the United States Constitution.

24 21. Defendant officers had prior knowledge of V.P.’s disabilities based on earlier  
25 documented encounters, including reports from December 2, 2024, and February 25, 2025, which  
26 described him as non-verbal, autistic, and physically impaired. These reports also documented that  
27 the family had limited English proficiency.

1           22.     Upon arrival, officers issued rapid verbal commands in English, drew their firearms,  
2 and fired nine rounds at V.P. within approximately six seconds of encountering him. Officers made  
3 no visible attempt to communicate non-threateningly, summon specialized assistance, or use time,  
4 distance, or tactical repositioning to de-escalate the encounter. No less-lethal options were attempted  
5 or deployed.

6           23.     Given V.P.'s observable mental and physical condition, and the officers' prior notice  
7 of his disabilities, there was no indication that V.P. posed an imminent threat of serious harm to the  
8 officers or others. The officers had sufficient time to assess the situation but chose instead to respond  
9 with immediate deadly force.

10           24.     Defendants CITY and DOES 1-50 had no cause to believe that the DECEDENT posed  
11 a threat to the officers. PEREZ was separated from the officers by a chain link fence. PEREZ showed  
12 clear and apparent signs of physical disabilities. He rolled around on the ground and stumbled as he  
13 walked. PEREZ displayed no indications that he would or could hurdle himself over the fence to pose  
14 a risk to the officers. Despite these apparent signs, the officers opened fire with lethal force against  
15 the minor child. The officers took no time to assess the level of threat, nor did they attempt to de-  
16 escalate the situation because they shot and killed him within six seconds of arriving. This showed a  
17 clear and deliberate indifference to the protections set forth in the Fourteenth Amendment of the  
18 United States Constitution.

19           25.     This course of conduct demonstrated deliberate indifference to V.P.'s life and safety,  
20 and under the circumstances—where officers escalated the situation and employed lethal force  
21 against a visibly disabled minor with no legitimate justification—their conduct shocks the  
22 conscience. The manner in which the force was applied reflects either a purpose to harm that was  
23 unrelated to a legitimate law enforcement objective or a reckless disregard for the consequences of  
24 their actions.

25           26.     As a direct and proximate result of Defendants' conduct, each Plaintiff was deprived  
26 of their constitutional right to the care, companionship, comfort, and society of Victor Perez, causing  
27 them severe emotional distress and suffering.  
28

1 WHEREFORE, PLAINTIFF prays for relief as hereinafter set forth.

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3 **THIRD CAUSE OF ACTION**

4 **(Violation of 42. U.S.C. § 12132 – Americans with Disabilities Act)**  
5 **(Plaintiff LUIS ALICEA, as Personal Representative of the Estate of Victor Perez)**  
6 **(Against CITY, and DOES 1-50)**

7 27. PLAINTIFF hereby re-alleges and incorporates by reference 1-26 paragraphs of this  
8 complaint herein.

9 28. At all relevant times, V.P. was a qualified individual with a disability under the  
10 Americans with Disabilities Act (ADA). V.P. was a non-verbal, autistic minor with cerebral palsy,  
11 which significantly limited his ability to communicate, understand verbal instructions, and physically  
12 respond to police commands.

13 29. Defendant CITY is a public entity within the meaning of 42 U.S.C. § 12131(1), and  
14 the Pocatello Police Department is a program or service of the CITY. Officers employed by the  
15 CITY, including Defendants DOES 1–50, were acting within the scope of that public service at all  
16 relevant times.

17 30. Title II of the ADA prohibits a public entity from excluding a qualified individual with  
18 a disability from participation in or denying them the benefits of its services, programs, or activities,  
19 or otherwise subjecting them to discrimination by reason of such disability. Law enforcement  
20 activities, including arrests and mental health crisis responses, are services and programs within the  
21 scope of Title II.

22 31. As against Defendant officers, and/or DOES 1-50, Plaintiff further alleges that said  
23 officers failed to train and or supervise Defendant officers and DOES 1-50 to recognize symptoms of  
24 disability under title II of the Americans With Disabilities Act (ADA); Decedent Perez was a disabled  
25 individual within the purview of ADA, who was qualified to “participate in or receive the benefit of”  
26 a government entity’s services, programs, or activities. Due to the conduct of Defendant officers  
27 Decedent was excluded from participating in, or denied the benefits of those services, programs, or  
28

1 activities, or otherwise discriminated against; and such exclusion, denial, or discrimination was “by  
2 reason of” his disability.

3 32. On April 5, 2025, officers with the Pocatello Police Department responded to a call  
4 involving V.P. They had prior notice from two prior service calls—in December 2024 and February  
5 2025—that V.P. was developmentally disabled, non-verbal, and required accommodation in  
6 communication. Reports from those visits described V.P. as mentally disabled and noted that his  
7 family primarily spoke Spanish.

8 33. Defendant Officers knew or should have known that Perez was a disabled individual  
9 within the purview of the Americans with Disabilities Act. based on prior visits. [IR No. 24-P27827  
10 (Dec. 4, 2024)]. In fact, their incident reports stated that they knew he was an Autistic teen with  
11 limited communication skills. (Ibid.) Further, by failing to de-escalate the situation and by shooting  
12 PEREZ within six seconds of their arrival, defendant officers did not accommodate and/or adjust  
13 their arrest tactics accounting for PEREZ’S disability. Defendants were deliberately indifferent in  
14 assessing the level of force warranted to use against a disabled person. The actions of Defendant  
15 officers and Defendant CITY unlawfully denied the Decedent the right to life through their  
16 discriminatory policies, procedures, and actions against the Decedent.

17 34. Defendants’ actions denied V.P. access to the benefits of a public service; non-  
18 discriminatory law enforcement intervention. Further, Defendants subjected decedent to  
19 discrimination by reason of his disability, in violation of 42 U.S.C. § 12132. As a direct and  
20 proximate result, Victor Perez suffered fatal injuries.

21 WHEREFORE, PLAINTIFF prays for relief as hereinafter set forth.

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24 **FOURTH CAUSE OF ACTION**

25 **Monell - 42 U.S.C. § 1983**

26 **(Plaintiffs WANDA ALICEA, mother of decedent, and LUIS ALICEA, as Personal**  
27 **Representative of the Estate of Victor Perez)**  
28 **(Against CITY, and DOES 1-50)**

1 35. PLAINTIFF re-alleges and incorporates by reference paragraphs 1 through 34 of this  
2 Complaint .

3 36. At all relevant times, DEFENDANT CITY OF POCA TELLO, including the  
4 POCA TELLO POLICE DEPARTMENT, was responsible for the hiring, training, supervision, and  
5 discipline of its law enforcement personnel, including DEFENDANT DOES 1–50.

6 37. At all times mentioned, DEFENDANT OFFICERS were acting under color of state  
7 law and pursuant to the customs, policies, and practices of DEFENDANT CITY. The actions taken  
8 by DEFENDANT OFFICERS reflect systemic failures in the CITY’s training and supervision  
9 protocols regarding individuals with known mental health conditions and developmental disabilities.

10 38. Prior to the incident involving DECEDENT V.P., DEFENDANT CITY and its  
11 POLICE DEPARTMENT had knowledge of recurring situations in which officers encountered  
12 residents with mental or developmental disabilities, including multiple prior documented incidents at  
13 the Perez residence. Despite this, DEFENDANT CITY failed to adopt, implement, or enforce  
14 adequate training or policies to guide officers on how to safely interact with individuals experiencing  
15 mental health crises or communication barriers.

16 39. The use of immediate and lethal force by DEFENDANT OFFICERS against V.P.—a  
17 non-verbal, cognitively and physically disabled minor—occurred without any meaningful effort at  
18 de-escalation, without summoning crisis-trained officers, and despite the officers’ documented  
19 awareness of V.P.’s disability-related limitations. This incident was a direct result of DEFENDANT  
20 CITY’s failure to implement appropriate policies or training programs to prevent foreseeable  
21 violations of constitutional rights. DEFENDANT CITY maintained a policy, custom, or practice that  
22 was deliberately indifferent to the constitutional rights of persons with disabilities.

23 40. Plaintiff was deprived of rights as a result of an official policy or custom of the  
24 POCA TELLO POLICE DEPARTMENT. The DEPARTMENT’s official policy or custom was  
25 insufficient and inadequate as it related to dealing with arrest subjects experiencing mental health  
26 crises because it resulted in practices that were deliberately indifferent to the constitutional rights of  
27 individuals with disabilities and those experiencing mental health crises. Defendant officers  
28

1 intentionally and recklessly with a deliberate indifference, engaged in conduct which deprived  
2 Decedent and plaintiff of their civil rights because defendant officers' use of deadly force against a  
3 disabled minor known to them to have communication limitations and a history of mental health-  
4 related incidents was a foreseeable result of the City's failure to train and supervise.

5 41. Plaintiffs further allege on information and belief that Defendant officers DOES 1-50,  
6 including the officers who shot Decedent, were not reprimanded for their actions. Further, Plaintiffs  
7 allege on information and belief that the City of Pocatello indemnified the officers.

8 42. As a direct and foreseeable result of these unconstitutional policies, practices, and  
9 failures in supervision, DEFENDANT OFFICERS engaged in conduct that violated the Fourth and  
10 Fourteenth Amendment rights of DECEDENT and PLAINTIFF. PLAINTIFF WANDA ALICEA,  
11 suffered loss of their familial relationship with V.P., emotional harm, and the deprivation of  
12 constitutional protections guaranteed by law.

13 WHEREFORE, PLAINTIFF prays for relief as hereinafter set forth.

14  
15 **FIFTH CAUSE OF ACTION**

16 **(Negligence)**

17 **(Plaintiff LUIS ALICEA, as Personal Representative of the Estate of Victor Perez)**  
18 **(Against CITY, and DOES 1-50)**

19 43. PLAINTIFF re-alleges and incorporates by reference paragraphs 1 through 42 of this  
20 Complaint.

21 44. Defendant officers acted negligently in the use of force that resulted in the death of  
22 PEREZ. The Defendant officers failed to adequately assess the situation prior to implementing the  
23 use of lethal force in the incident matter. The DECEDENT was a disabled minor person located  
24 behind a fence when the officers arrived. DECEDENT struggled to walk. He was physically unable  
25 to climb a fence. He posed no immediate threat to officers that would warrant the level of threat used.  
26 This negligence stems from negligent hiring, training, policy and procedures dictating levels of force  
27 used, and the treatment of developmentally disabled individuals implemented by CITY practices.  
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1 45. Pursuant to Idaho Code, as public employees, DOES 1-50 are liable for injuries caused  
2 arising out of its negligent or otherwise wrongful acts or omissions while acting within the course and  
3 scope of their employment. At all times mentioned herein, DOES 1-50 were acting within the course  
4 and scope of their employment and/or agency with CITY OF POCA TELLO. As such, CITY is liable  
5 in respondeat superior for the injuries caused by the acts and omissions of Defendant pursuant to  
6 section 6-903 of the Idaho Code.

7 WHEREFORE, PLAINTIFF prays for relief as hereinafter set forth.

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9 **SIXTH CAUSE OF ACTION**

10 **(Wrongful Death)**

11 **(Plaintiff LUIS ALICEA, as Personal Representative of the Estate of Victor Perez)**

12 **(Against CITY, and DOES 1-50)**

13 46. PLAINTIFF re-alleges and incorporates by reference paragraphs 1 through 45 of this  
14 Complaint.

15 47. Defendant officers caused the wrongful death of PEREZ. The Defendant officers  
16 failed to adequately assess the situation prior to implementing the use of lethal force in the incident  
17 matter. The DECEDENT was a disabled minor person located behind a fence when the officers  
18 arrived. DECEDENT struggled to walk. He was physically unable to climb a fence. He posed no  
19 immediate threat to officers that would warrant the level of threat used. This negligence stems from  
20 negligent hiring, training, policy and procedures dictating levels of force used, and the treatment of  
21 developmentally disabled individuals implemented by CITY practices.

22 48. Pursuant to Idaho Code, as public employees, DOES 1-50 are liable for injuries caused  
23 arising out of its negligent or otherwise wrongful acts or omissions while acting within the course and  
24 scope of their employment. At all times mentioned herein, DOES 1-50 were acting within the course  
25 and scope of their employment and/or agency with CITY OF POCA TELLO. As such, CITY is liable  
26 in respondeat superior for the injuries caused by the acts and omissions of Defendant pursuant to  
27 section 6-903 of the Idaho Code.

28 WHEREFORE, PLAINTIFF prays for relief as hereinafter set forth.

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**SEVENTH CAUSE OF ACTION**  
**(Intentional Infliction of Emotion Distress)**  
**(Plaintiff LUIS ALICEA, as Personal Representative of the Estate of Victor Perez)**  
**(Against CITY, and DOES 1-50)**

49. PLAINTIFF re-alleges and incorporates by reference paragraphs 1 through 48 of this Complaint.

50. DEFENDANT'S above-described conduct was extreme, unreasonable and outrageous. The DEFENDANTS failed to provide lifesaving de-escalation measures that would have prevented the death of VICTOR PEREZ. Furthermore, the DEFENDANTS brutally shot and killed PEREZ in front of his family.

51. In engaging in the above-described conduct, Defendants intentionally ignored or recklessly disregarded the foreseeable risk that the Decedent would suffer extreme emotional distress as a result of each of their conduct. Officers fired nine rounds of lethal fire power into PEREZ. Perez was separated from the officers by a fence, and he struggled to walk due to cerebral palsy. The officers' acts shock the conscious. This forced the Decedent to endure extreme emotional pain prior to his death. Decedent suffered emotional distress as a result of the Defendant officers intentional disregard of their actions.

52. Pursuant to Idaho Code, as public employees, DOES 1-50 are liable for injuries caused arising out of its negligent or otherwise wrongful acts or omissions while acting within the course and scope of their employment. At all times mentioned herein, DOES 1-50 were acting within the course and scope of their employment and/or agency with CITY OF POCA TELLO. As such, CITY is liable in respondeat superior for the injuries caused by the acts and omissions of Defendant pursuant to section 6-903 of the Idaho Code.

WHEREFORE, PLAINTIFF prays for relief as hereinafter set forth.

**EIGHTH CAUSE OF ACTION**  
**(Negligent Infliction of Emotion Distress)**  
**(Plaintiffs WANDA ALICEA, mother of decedent, and LUIS ALICEA)**  
**(Against CITY, and DOES 1-50)**

1 53. PLAINTIFF re-alleges and incorporates by reference paragraphs 1 through 52 of this  
2 Complaint.

3 54. In engaging in the above-described conduct, Defendants negligently and recklessly  
4 disregarded the foreseeable risk that the PLAINTIFFS would suffer extreme emotional distress as a  
5 result of each of their conduct. DEFENDANTS allowed the family to watch as the officers fired nine  
6 rounds of lethal fire power into PEREZ. This forced the Plaintiffs to endure extreme emotional pain.  
7 PLAINTIFFS suffered emotional distress as a result of the Defendant officers intentional disregard of  
8 their actions

9 55. Pursuant to Idaho Code, as public employees, DOES 1-50 are liable for injuries caused  
10 arising out of its negligent or otherwise wrongful acts or omissions while acting within the course and  
11 scope of their employment. At all times mentioned herein, DOES 1-50 were acting within the course  
12 and scope of their employment and/or agency with CITY OF POCA TELLO. As such, CITY is liable  
13 in respondeat superior for the injuries caused by the acts and omissions of Defendant pursuant to  
14 section 6-903 of the Idaho Code.

15 WHEREFORE, PLAINTIFF prays for relief as hereinafter set forth.

16  
17 **SEVENTH CAUSE OF ACTION**  
18 **(Assault / Battery)**  
19 **(Plaintiff LUIS ALICEA, as Personal Representative of the Estate of Victor Perez)**  
20 **(Against CITY, and DOES 1-50)**

21 56. PLAINTIFF re-alleges and incorporates by reference paragraphs 1 through 55 of this  
22 Complaint.

23 57. Officers are liable to battering Decedent. Officers caused Decedent to fear for his  
24 safety. Officers then shot Decedent.

25 58. Pursuant to Idaho Code, as public employees, DOES 1-50 are liable for injuries caused  
26 arising out of its negligent or otherwise wrongful acts or omissions while acting within the course and  
27 scope of their employment. At all times mentioned herein, DOES 1-50 were acting within the course  
28 and scope of their employment and/or agency with CITY OF POCA TELLO. As such, CITY is liable

1 in respondeat superior for the injuries caused by the acts and omissions of Defendant pursuant to  
2 section 6-903 of the Idaho Code.

3 WHEREFORE, PLAINTIFF prays for relief as hereinafter set forth.  
4

5 **DAMAGES**

6 LUIS ALICEA, as Personal Representative of the Estate of Victor Perez:

- 7 • Conscious pain and suffering experienced by DECEDENT prior to death;
- 8 • Emotional and physical distressed endured by DECEDENT between the time of injury and  
9 death;
- 10 • Medical expenses incurred in treating DECEDENT's injuries;
- 11 • Funeral and burial expenses;
- 12 • Loss of life and enjoyment of life; and
- 13 • Other general and special damages permitted by statute.

14 WANDA ALICEA, mother of decedent (Fourteenth Amendment — Familial Loss):

- 15 • Deprivation of the constitutionally protected right to familial companionship and society;
- 16 • Emotional distress and suffering resulting from the loss of that relationship.

17 PUNITIVE DAMAGES:

- 18 • PLAINTIFFS allege that the actions of individual DEFENDANTS were malicious,  
19 oppressive, and carried out with deliberate indifference to DECEDENT's constitutional  
20 rights.
- 21 • PLAINTIFFS seek punitive damages in amounts to be determined at trial under 42 U.S.C. §  
22 1988.

23 **JURY DEMAND**

24 PLAINTIFF hereby demands a jury trial in this action.

25 **PRAYER**

26 WHEREFORE, PLAINTIFF prays for relief, as follows:

- 27
- 28 1. For general damages according to proof;

