

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS The Estate of Arabella Moreno, et al.</p> <p>(b) County of Residence of First Listed Plaintiff <u>Clark</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Jason Naimi, Esq. Naimi & Dilbeck, 6053 S. Fort Apache, Ste. 120 Las Vegas, Nevada 89148</p>	<p>DEFENDANTS Las Vegas Metropolitan Police Department, et al.</p> <p>County of Residence of First Listed Defendant <u>Clark</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) Thomas D. Dillard, Esq., Olson, Cannon, 9950 W. Cheyenne Ave., Las Vegas, Nevada 89129</p>
--	---

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES(Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:
Negligence and Wrongful Death

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 6/3/09 SIGNATURE OF ATTORNEY OF RECORD Tom Dillard

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

1 WALTER R. CANNON, ESQ.
Nevada Bar No. 001505
2 THOMAS D. DILLARD, JR., ESQ.
Nevada Bar No. 006270
3 OLSON, CANNON, GORMLEY
& DESRUISSEAU
4 9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
5 Telephone: (702) 384-4012
Facsimile: (702) 383-0701
6 Attorneys for Defendant
Officer Schumaker
7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * * * *

11 THE ESTATE of ARABELLA MORENO, a)
12 deceased minor child; RICHARD MORENO,)
individually and as Administrator of the Estate)
13 of ARABELLA MORENO, his minor child;)
MARJORIE BULL, individually and as legal)
14 guardian of BRIAN MORENO; MICHAEL R.)
CORBO, as parent and legal guardian of)
15 MICHAEL CORBO, his minor child; NICOLE)
MOTT, individually; and TIFFANY MOTT,)
16 individually,)

CASE NO.:

17 Plaintiffs,)

18 vs.)

19 LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT, A Political Entity of the State)
20 of Nevada; SHERIFF DOUG GILLESPIE,)
individually and in his official capacity;)
21 OFFICER SCHUMAKER, individually and in)
his official capacity; OFFICER GRUNWALD,)
22 individually and in his official capacity;)
SERGEANT TOM MILLER, individually and in)
23 his official capacity; DOES I through X; and)
ROE ENTITIES XI through XX, inclusive,)

24 Defendants.)
25

26 NOTICE OF REMOVAL OF CIVIL ACTION

27 TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:

28 Defendant OFFICER SCHUMAKER, respectfully shows:

- 1. OFFICER SCHUMAKER is a Defendant in the above entitled action.

Law Offices of
OLSON, CANNON, GORMLEY & DESRUISSEAU
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Telecopier (702) 383-0701

1 2. The above entitled action was commenced in the Eighth Judicial District Court for the
2 State of Nevada, in and for the County of Clark, and is now pending in that court. Process was
3 served upon the Defendant OFFICER SCHUMAKER on May 27, 2009. Copies of said
4 Summons and Complaint are attached hereto as Exhibits "A" and "B", respectively.

5 3. This Notice is filed timely pursuant to 28 U.S.C.A. §1446(b).

6 4. Defendant is informed and believes and thereon alleges, that there have been no
7 further proceedings or papers filed in said action.

8 5. This action is a civil action of which this Court has original jurisdiction under the
9 provisions of 28 U.S.C.A. §1331 and 28 U.S.C.A. §1343 and is one which may be removed to
10 this Court by Defendant pursuant to the provisions of 28 U.S.C.A. §1441(a)(b); in that it is a civil
11 action which allegedly arises out of violations of rights secured by the constitution of the United
12 States and this Court has original jurisdiction over the claims set forth in Plaintiffs' Complaint.

13 6. A copy of Defendant's Notice of Removal of the above entitled action to the United
14 States District Court, for the District of Nevada, together with copies of the Summons and the
15 Complaint have been deposited with the Deputy Clerk in the Clerk's Office for the Eighth
16 Judicial District Court of the State of Nevada.

17 7. Copies of all pleadings and papers served upon Defendant in the above entitled action
18 are filed herewith.

19 8. This Notice is filed with this Court within thirty (30) days after receipt by Defendant
20 herein of the Complaint in the above entitled action.

21
22
23
24
25
26
27 ///


28 ///

Law Offices of
OLSON, CANNON, GORMLEY & DESRUISSEAUX
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Telecopier (702) 383-0701

1 WHEREFORE, Defendant prays that the above entitled action be removed from the
2 Eighth Judicial District Court of the State of Nevada in and for the County of Clark, to this
3 Court.

4 DATED this 3 day of June, 2009.

5 OLSON, CANNON, GORMLEY
6 & DESRUISSEAUX

7 BY: 
8 WALTER R. CANNON, ESQ.
9 Nevada Bar No. 001505
10 THOMAS D. DILLARD, JR., ESQ.
11 Nevada Bar No. 006270
12 9950 West Cheyenne Avenue
13 Las Vegas, Nevada 89129
14 Attorneys for Defendant
15 Officer Schumaker

16
17
18
19
20
21
22
23
24
25
26
27
28

Law Offices of
OLSON, CANNON, GORMLEY & DESRUISSEAUX
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Telecopier (702) 383-0701

AFFIDAVIT OF THOMAS D. DILLARD, JR., ESQ.

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

THOMAS D. DILLARD, JR., ESQ., being first duly sworn deposes and says:

1. That your affiant is an attorney duly licensed to practice law in the State of Nevada and in the United States District Court, District of Nevada, and that he is a member of the law firm of OLSON, CANNON, GORMLEY & DESRUISSEAU, maintaining offices at 9950 W. Cheyenne Avenue, Las Vegas, Nevada.

2. That your affiant is the attorney for OFFICER SCHUMAKER and makes this affidavit on behalf of the Defendant herein and that your affiant has prepared and read the foregoing notice and knows the matters set forth and contained therein to be true and correct to the best of your affiant's knowledge and belief.

3. Your affiant further states that on June 3rd, 2009, he caused to be filed with the Clerk of the Eighth Judicial District Court, a copy of Defendant's Notice of Removal of the above entitled action to the United States District Court for the District of Nevada at Las Vegas, together with copies of the Summons and the Complaint, by depositing such copies with the Deputy Clerk in the Clerk's office for the Eighth Judicial District Court of the State of Nevada at the office of the County Clerk, Clark County Courthouse, 200 South Third Street, Las Vegas, Nevada, 89101.

4. That your affiant caused to be served a Notice of Removal on Jason Naimi, Esq., attorney of record for the Plaintiffs, in the above entitled action by depositing the same in the

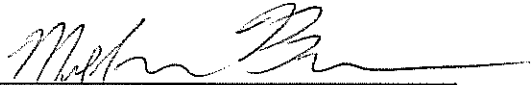
....
....
....
....
....

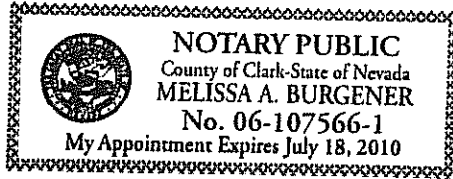
Law Offices of
OLSON, CANNON, GORMLEY & DESRUISSEAU
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Telecopier (702) 383-0701

1 United States Mail on June 3rd, 2009, in an envelope properly addressed to Jason Naimi, Esq.,
2 6053 S. Fort Apache Rd., Suite 120, Las Vegas, Nevada 89148.

3
4 
5 THOMAS D. DILLARD, JR., ESQ.

6 Subscribed and sworn before me
7 this 3rd day of June, 2009.

8 
9 NOTARY PUBLIC in and for said
10 County and State.



11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Law Offices of
OLSON, CANNON, CORMLEY & DESRUISSEAUX
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Telecopier (702) 383-0701

EXHIBIT A

ORIGINAL

SUMM

JASON NAIMI, ESQ.
Nevada State Bar No. 009441
NAIMI & DILBECK, CHTD.
A Professional Limited Liability Company
6053 S. Fort Apache Rd., Suite 120
Las Vegas, NV 89148
Tel: (702) 823-3333
Fax: (702) 823-3300
Attorney for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

THE ESTATE of ARABELLA MORENO, a
deceased minor child; RICHARD MORENO,
individually and as Administrator of the ESTATE
of ARABELLA MORENO, his minor child;
MARJORIE BULL, individually and as legal
guardian of BRIAN MORENO; MICHAEL R.
CORBO, as parent and legal guardian of
MICHAEL CORBO, his minor child; NICOLE
MOTT, individually; and TIFFFANY MOTT,
individually,

CASE NO.: A581751

DEPT. NO.: XXIII

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, A Political Entity of the State
of Nevada; SHERIFF DOUG GILLESPIE,
individually and in his official capacity;
OFFICER SCHUMAKER, individually and in
his official capacity; OFFICER GRUNWALD,
individually and in his official capacity;
SERGEANT TOM MILLER, individually and in
his official capacity; DOES I through X; and
ROE ENTITIES XI through XX, inclusive,

Defendants.

SUMMONS - CIVIL

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.
READ THE INFORMATION BELOW.**

5/27/09 1449 D3993S

1 **TO THE DEFENDANT(S):**

2 **OFFICER SCHUMAKER**

3 A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in
4 the Complaint.

5 1. If you intend to defend this lawsuit, within 20 days after this Summons is served on
6 you, exclusive of the day of service, you must do the following:

7
8 a. File with the Clerk of this Court, whose address is shown below, a formal
9 written response to the Complaint in accordance with the rules of the Court,
10 with the appropriate filing fee.

11 b. Serve a copy of your response upon the attorney whose name and address is
12 shown below.

13
14 2. Unless you respond, your default will be entered upon application of the Plaintiff(s)
15 and failure to so respond will result in a judgment by default against you for the relief
16 demanded in the Complaint, which could result in the taking of money or property or
17 other relief requested in the Complaint.

18
19 3. If you intend to seek the advice of an attorney in this matter, you should do so
20 promptly so that your response may be filed on time.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

EDWARD A. FRIEDLAND
CLERK OF COURT

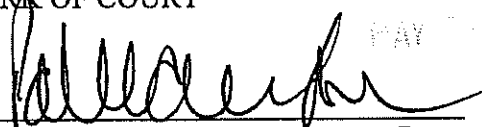
Submitted by:

NAIMI & DILBECK


Jason Naimi, Esq.

6053 S. Fort Apache Rd., Suite 120
Las Vegas, NV 89148
Tel: (702) 823-3333
Fax: (702) 823-3300
Attorney for Plaintiffs

By:


Deputy Clerk
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

PATRICIA AZUCENA
Date

PAY 7-1-2009

EXHIBIT B

JASON NAIMI, ESQ.
Nevada Bar No. 9441
SCOTT M. HOLPER, ESQ.
Nevada Bar No. 9587
NAIMI & DILBECK, CHTD
6053 South Ft. Apache Rd., Suite 120
Las Vegas, Nevada 89148
Telephone: 702.823.3333
Facsimile: 702.823.3300
Attorneys for Plaintiffs

Jun 13 4 13 PM '09

DISTRICT COURT

CLARK COUNTY, STATE OF NEVADA

THE ESTATE of ARABELLA MORENO, a
deceased minor child; RICHARD MORENO,
individually and as Administrator of the
ESTATE of ARABELLA MORENO, his
minor child; MARJORIE BULL, individually
and as legal guardian of BRIAN MORENO;
MICHAEL R. CORBO, as parent and legal
guardian of MICHAEL CORBO, his minor
child; NICOLE MOTT, individually; and
TIFFANY MOTT, individually,

CASE NO: A581751
DEPT. NO: XXIII

AMENDED COMPLAINT

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, A Political Entity of the State
of Nevada; SHERIFF DOUG GILLESPIE,
individually and in his official capacity;
OFFICER SCHUMAKER, individually and in
his official capacity; OFFICER GRUNWALD,
individually and in his official capacity;
SERGEANT TOM MILLER, individually and
in his official capacity; DOES I through X; and
ROE ENTITIES XI through XX, inclusive,

ARBITRATION EXEMPTION
CLAIMED: Action presenting
significant issues of public policy

Defendants.

26 ...
27 ...
28

1 COME NOW the Plaintiffs, THE ESTATE of ARABELLA MORENO, a deceased
2 minor child; RICHARD MORENO, individually and as Administrator of the ESTATE of
3 ARABELLA MORENO, his minor child; MARJORIE BULL, individually and as legal guardian
4 of BRIAN MORENO; MICHAEL R. CORBO, as parent and legal guardian of MICHAEL
5 CORBO, his minor child; NICOLE MOTT, individually; and TIFFFANY MOTT, individually,
6 and hereby complain and allege as follows:

7 PARTIES

8 1. Plaintiff, THE ESTATE of ARABELLA MORENO, a deceased minor child, is and
9 was, at all times relevant hereto, a resident of the County of Clark, State of Nevada.

10 2. Plaintiff RICHARD MORENO, individually and as Administrator of the ESTATE of
11 ARABELLA MORENO, his minor child, is and was, at all time relevant hereto, a resident of the
12 County of Clark, State of Nevada.

13 3. Plaintiff MARJORIE BULL, individually and as legal guardian of BRIAN MORENO,
14 is and was, at all time relevant hereto, a resident of the County of Clark, State of Nevada.

15 4. Plaintiff MICHAEL R. CORBO, as parent and legal guardian of MICHAEL CORBO,
16 is and was, at all time relevant hereto, a resident of the County of Clark, State of Nevada.

17 5. Plaintiff NICOLE MOTT, is and was, at all time relevant hereto, a resident of the
18 County of Clark, State of Nevada.

19 6. Plaintiff TIFFFANY MOTT, is and was, at all time relevant hereto, a resident of the
20 County of Clark, State of Nevada.

21 7. Defendant LAS VEGAS METROPOLITAN POLICE DEPARTMENT is and was, at
22 all times relevant hereto, a Political Entity of the State of Nevada.

23 8. Defendant, SHERIFF DOUG GILLESPIE, was at all times relevant hereto, the
24 Sherriff of Clark County, a Political Entity of the State of Nevada.

1 9. Defendant, OFFICER SHUMAKER, an employee of the Las Vegas Metropolitan
2 Police Department, was at all times relevant hereto, a resident of the County of Clark, State of
3 Nevada.

4 10. Defendant, OFFICER GRUNWALD, an employee of the Las Vegas Metropolitan
5 Police Department, was at all times relevant hereto, a resident of the County of Clark, State of
6 Nevada.

7 11. Defendant, SERGEANT TOM MILLER, an employee of the Las Vegas
8 Metropolitan Police Department, was at all times relevant hereto, a resident of the County of
9 Clark, State of Nevada.

10 12. The true names and capacities, whether individual, corporate, associate or otherwise
11 of Defendants named herein as DOES I through X and ROE ENTITIES I through X are
12 unknown to Plaintiffs, who therefore sue said Defendants by said fictitious names. Plaintiffs are
13 informed and believe and thereon allege that each of the Defendants designated as DOE and/or
14 ROE ENTITIES are responsible in some manner for the events and happening referred to, and
15 caused damages proximately to Plaintiffs as herein alleged, and Plaintiffs will ask leave of this
16 Court to amend their Complaint to insert the true names and capacities of DOES I through X and
17 ROE ENTITIES I through X when the same have been ascertained and to join such Defendants
18 in this action.

19 13. At all times mentioned herein, each Defendant, including DOE and ROE
20 Defendants, was acting as the agent, servant, and employee of each other Defendant.

21 14. At all times mentioned herein, each Defendant, including DOE and ROE Defendants,
22 was acting under the direction, control, and legal authority of each other defendant.

23
24 **FACTS COMMON TO ALL CLAIMS**

25 15. Upon information and belief, Sherri Love (hereinafter "Love") was at all relevant
26 times the parent and legal guardian of Arabella Moreno (hereinafter "Arabella") Michael Corbo
27 (hereinafter "Michael"), and Brian Moreno (hereinafter "Brian"), her minor children.
28

1 16. Upon information and belief, Love, Arabella, Michael, and Brian at all relevant times
2 resided at 6268 alpine Tree Ave., Las Vegas, NV 89148 (hereinafter the "Love Residence").

3 17. Upon information and belief, Love has a history of mental illness, substance abuse,
4 and violent behavior.

5 18. Upon information and belief, Las Vegas Metropolitan police department has been
6 dispatched on numerous occasions to the Love Residence on complaints of domestic disturbance.

7 19. Upon information and belief, on the day of February 3, 2007, Love was under the
8 influence of unknown alcoholic substances, recreational and/or prescription medication, and was
9 at all relevant times clearly and unmistakably of unsound mind and body, was not aware of her
10 actions, and was not in any way fit for the care and supervision of her minor children.

11 20. Upon information and belief, Michael Corbo, then-aged 15 years old, had placed a 911
12 call to report acts of domestic violence by his mother.

13 21. Upon information and belief, at approximately 3:30 p.m. on February 3, 2007,
14 Officers Grumwald and Schumaker of the Las Vegas Metropolitan police department were
15 dispatched to the Love Residence on complaints of domestic violence.

16 22. Upon information and belief, Love presented herself to Officers Grumwald and
17 Schumaker in an impaired, psychotic, and violent state.

18 23. Upon information and belief, Michael Corbo reported to Officers Grumwald and
19 Schumaker that his mother had attacked him violently prior to their arrival.

20 24. Upon information and belief, Officers Grumwald and Schumaker refused to remove
21 Michael, Brian, and Arabella, from the custody of their mother in spite of her impaired,
22 psychotic, and violent state.

23 25. Upon information and belief, Officers Grumwald and Schumaker ordered the children
24 back into their home with Love, in spite her impaired, psychotic, and violent state. Officers
25 Grumwald and Schumaker then left the scene.

26 26. Upon information and belief, Sherri Love then proceeded to violently attack each of
27 her children.

28

1 27. Upon information and belief, Sherri Love stabbed and killed her daughter Arabella
2 Moreno.

3 **FIRST CAUSE OF ACTION**

4 **(Negligence)**

5 28. Plaintiff hereby adopts and incorporates by reference all prior paragraphs as though
6 fully set forth herein.

7 29. Defendants, and each of them, had a duty to properly investigate the facts surrounding
8 the domestic disturbances referred to herein and to take measures responsive to the threats
9 imposed by Love to her minor children.

10 30. Defendants, and each of them, through their actions and omissions set forth above,
11 did breach their respective duties of care, and accordingly did directly, foreseeably and
12 proximately cause Plaintiffs to sustain severe bodily injury and death and damages in an amount
13 in excess of Ten Thousand Dollars (\$10,000.00).

14 31. The acts of Defendants, and each of them, were intentional, knowing, oppressive,
15 malicious, reckless, and callously indifferent to the rights of Plaintiffs, entitling Plaintiffs to an
16 award of punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

17 32. Plaintiffs have had to retain the services of an attorney to prosecute this action and are
18 entitled to reasonable attorneys' fees and cost of suit incurred herein.

19 **SECOND CAUSE OF ACTION**

20 **(Wrongful Death)**

21 33. Plaintiff hereby adopts and incorporates by reference all prior paragraphs as though
22 fully set forth herein.

23 34. On or about February 3, 2007, Arabella died as a direct and proximate result of the
24 aforementioned acts or omissions by Defendants, inclusively.

25 35. As a result of Defendants acts or omissions, Plaintiffs have sustained damages for the
26 loss of Arabella's life, along with the loss of child consortium. Such damages include, but are not
27 limited to, grief, sorrow, loss of companionship, loss of comfort, and damages for Plaintiffs.
28

1 While damages are continuing, Plaintiffs damages are in excess of Ten Thousand Dollars
2 (\$10,000.00).

3 36. As a proximate result of Defendants' acts or omissions, Plaintiffs have sustained
4 special damages which include, but are not limited to, unpaid medical bill, death, autopsy, and
5 burial of Arabella.

6 37. At all relevant times, Defendants knew or should have known that the impaired,
7 psychotic, and violent state of Love would and did create an unreasonable and serious risk of
8 disabling injuries and death to Plaintiffs and that the impaired, psychotic, and violent state of
9 Love would jeopardize the safety of others, which Defendants knew would and did result in
10 serious injuries and death. Notwithstanding this knowledge, Defendants, in willful and conscious
11 disregard of the safety of Plaintiffs, and others, failed to act in reasonable and prudent manner.
12 Accordingly, Plaintiffs are entitled to recover punitive damages in an amount in excess of
13 \$10,000.00.

14 38. Defendants, and each of them, acted with malice, express and implied and in a
15 conscious disregard of the rights and safety of Plaintiffs; Plaintiffs were prevented from and for
16 an unknown period of time with no reasonable means for escape prior to her death after
17 Defendants were fully aware of dangers to Plaintiffs' health and welfare, and that such
18 circumstances did create a serious and unreasonable risk of serious disabling injuries to Plaintiffs.

19 39. Defendants, and each of them, failed to act in a reasonable and prudent manner and
20 intended to and actually did confine Plaintiffs within the bounded area of their home for an
21 unknown period of time with no reasonable means of escape prior to their injury and/or death.
22 Defendants' conduct was despicable, reckless malicious, oppressive, and done in conscious
23 disregard of Plaintiffs' rights, thereby causing the serious disabling injuries to Plaintiffs and death
24 to Arabella.

25 40. As a direct and proximate result of Defendants' actions herein alleged, Plaintiffs have
26 been damaged in an amount in excess of Ten Thousand Dollars (\$10,000.00).

27
28

1 41. The acts of Defendants, and each of them, were intentional, knowing, oppressive,
2 malicious, reckless, and callously indifferent to the rights of Plaintiffs, entitling Plaintiffs to an
3 award of punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

4 42. Plaintiffs have had to retain the services of an attorney to prosecute this action and are
5 entitled to reasonable attorneys' fees and cost of suit incurred herein.

6 **THIRD CAUSE OF ACTION**

7 **(Negligent Hiring, Supervision and Training)**

8 43. Plaintiffs hereby adopt and incorporate by reference all prior paragraphs as though
9 fully set forth herein.

10 44. Upon information and belief, Defendants had advance prior notice of the inherent
11 dangers of leaving the minor children in the custody of Love, who was in a clearly impaired,
12 psychotic, and violent state.

13 45. Defendants have a duty to properly and adequately hire, train and supervise officers
14 and personnel under their employ and control so as to avoid unreasonable risk of harm to citizens.

15 46. Defendants breached this duty of care in failing to adequately hire, train and supervise
16 its officers to properly respond the impaired, psychotic, and violent state of Love

17 47. As a direct and proximate result of Defendants' actions herein alleged, Plaintiffs have
18 been damaged in an amount in excess of Ten Thousand Dollars (\$10,000.00).

19 48. The acts of Defendants, and each of them, were intentional, knowing, oppressive,
20 malicious, reckless, and callously indifferent to the rights of Plaintiffs, entitling Plaintiffs to an
21 award of punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

22 49. Plaintiffs have had to retain the services of an attorney to prosecute this action and are
23 entitled to reasonable attorneys' fees and cost of suit incurred herein.

24 **FOURTH CAUSE OF ACTION**

25 **(Civil Rights Violation – Familial Relationships – 42 U.S.C. §1983)**

26 50. Plaintiffs hereby adopt and incorporate by reference all prior paragraphs as though
27 fully set forth herein.
28

1 59. Plaintiffs further allege, upon information and belief, that it is the policy, practice, and
2 custom of Defendants, their supervisors, and police officers to tolerate and ratify the leaving of
3 minor children in the custody and care of impaired, psychotic, and violent persons by its police
4 officers, agents, and employees.

5 60. That the wrong and unlawful acts perpetrated by the Defendants, and each of them,
6 were willful, oppressive, malicious, and performed with a wanton disregard for the established
7 rights of Plaintiffs.

8 61. That as a direct and proximate result of Defendants' actions herein alleged, Plaintiffs
9 have been damaged in an amount in excess of Ten Thousand Dollars (\$10,000.00).

10 62. The acts of Defendants, and each of them, were intentional, knowing, oppressive,
11 malicious, reckless, and callously indifferent to the rights of Plaintiffs, entitling Plaintiffs to an
12 award of punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

13 63. Plaintiffs have had to retain the services of an attorney to prosecute this action and are
14 entitled to reasonable attorneys' fees and cost of suit incurred herein.

15 **SIXTH CAUSE OF ACTION**

16 **(False Imprisonment)**

17 64. Plaintiffs hereby adopt and incorporate by reference all prior paragraphs as though
18 fully set forth herein.

19 65. Plaintiffs further state and allege that Defendants, and each of them, failed to act in a
20 reasonable and prudent manner and intended to and actually did confine Plaintiffs within the
21 bounded area of their home for an unknown period of time with no reasonable means of escape
22 prior to injury and/or death.

23 66. That as a direct and proximate result of Defendants' actions herein alleged, Plaintiffs
24 have been damaged in an amount in excess of Ten Thousand Dollars (\$10,000.00).

25 67. That as a direct and proximate result of Defendants' actions herein alleged, Plaintiffs
26 have been damaged in an amount in excess of Ten Thousand Dollars (\$10,000.00).
27
28

1 77. As a result of the acts set forth herein, Plaintiffs suffered and continue to suffer
2 serious and severe emotional distress, physical injury, loss of income, and death.

3 78. That as a direct and proximate result of Defendants' actions herein alleged, Plaintiffs
4 have been damaged in an amount in excess of Ten Thousand Dollars (\$10,000.00).

5 79. The acts of Defendants, and each of them, were intentional, knowing, oppressive,
6 malicious, reckless, and callously indifferent to the rights of Plaintiffs, entitling Plaintiffs to an
7 award of punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

8 80. Plaintiffs have had to retain the services of an attorney to prosecute this action and are
9 entitled to reasonable attorneys' fees and cost of suit incurred herein.


10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiffs, expressly reserving the right to amend this Complaint at the
12 time of trial of the actions herein, to include all causes of action and items of damages not yet
13 ascertained, demands judgment against Defendants, and each of them, as follows:

- 14 1. General damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).
- 15 2. Punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).
- 16 3. Prejudgment interest;
- 17 4. Reasonable attorneys' fees and costs of suit incurred herein; and
- 18 5. For any such further relief this Court deems appropriate.

19 Dated: May 11, 2009

NAIMI & DILBECK, CHTD.

20
21
22 
23 Jason Naimi, Esq. (#9441)
24 Scott M. Holper, Esq. (#9587)
25 NAIMI & DILBECK, CHTD.
26 6053 South Ft. Apache Rd., Suite 120
27 Las Vegas, Nevada 89148
28 Telephone: 702.823.3333
Facsimile: 702.823.3300
Attorneys for Plaintiffs