

1 ARNOLDO CASILLAS, ESQ., SBN 158519  
DENISSE O. GASTÉLUM, ESQ., SBN 282771  
2 **CASILLAS, MORENO & ASSOCIATES**  
3 3500 W. Beverly Blvd.  
Montebello, CA 90640  
4 Tel: (323) 725-0917; Fax: (323) 725-0350  
5 Email: acasillas@morenolawoffices.com

6 JONATHAN D. MELROD, ESQ., SBN 136441  
7 1313 Scheibel Ln.  
Sebastopol, CA 95472  
8 Tel: (415) 806-0154  
9 Email: jonathan4536@sbcglobal.net

10 WILLIAM M. SIMPICH, JR., ESQ., SBN 106672  
11 1736 Franklin St., 10<sup>th</sup> Floor  
Oakland, CA 94612  
12 Tel: (510) 444-0226  
13 Email: bsimpich@gmail.com

14 Attorneys for Plaintiffs, ESTATE OF AMILCAR PEREZ LOPEZ, by and through  
15 successors in interest, JUAN PEREZ and MARGARITA LOPEZ PEREZ; JUAN  
PEREZ, individually; MARGARITA LOPEZ PEREZ, individually  
16

17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**

19	ESTATE OF AMILCAR PEREZ	)	<b>CASE NO.</b>
20	LOPEZ, by and through successors in	)	
21	interest, JUAN PEREZ and	)	<b>COMPLAINT FOR DAMAGES</b>
22	MARGARITA LOPEZ PEREZ;	)	
23	JUAN PEREZ, individually;	)	1. Excessive Force/Unreasonable
24	MARGARITA LOPEZ PEREZ,	)	Seizure (42 U.S.C. § 1983)
25	individually;	)	2. Municipal Liability for
26		)	Unconstitutional Customs and
27	Plaintiffs,	)	Practices (42 U.S.C. § 1983)
28	vs.	)	3. Supervisory Liability for
		)	Ratification and Failure to Train,
		)	Supervise, and Discipline (42
	CHIEF OF POLICE GREG SUHR;	)	U.S.C. § 1983)
	CITY AND COUNTY OF SAN	)	

1	FRANCISCO; SAN FRANCISCO )	4. Interference with Familial Integrity
	POLICE DEPARTMENT; OFFICER )	Substantive Due Process Violation
2	CRAIG TIFFE (Badge No. 1312); )	(42 U.S.C. § 1983)
3	OFFICER ERIC REBOLI (Badge No. )	
4	1651), and DOES 1 to 10, )	<b>DEMAND FOR JURY TRIAL</b>
	)	
5	Defendants. )	
	)	

---

**COMPLAINT FOR DAMAGES**

COME NOW Plaintiffs ESTATE OF AMILCAR PEREZ LOPEZ, by and through successors in interest, JUAN PEREZ and MARGARITA LOPEZ PEREZ, and JUAN PEREZ, and MARGARITA LOPEZ PEREZ, individually, and allege as follows:

**INTRODUCTION**

1. This civil rights action seeks to establish the true and unequivocal facts surrounding the shooting and killing of Amilcar Perez Lopez by Officer Craig Tiffe and Officer Eric Reboli of the San Francisco Police Department. This civil rights action further seeks to establish the violations of fundamental rights under the United States Constitution in connection with the killing of Amilcar Perez Lopez on or about February 26, 2015.

2. Amilcar was a humble and hardworking young man, who wanted nothing more in life than to provide for his parents. His death has been a profound and unimaginable loss to his parents, the present Plaintiffs.

3. Without justification or cause, Defendants Officer Tiffe and Officer Reboli shot and killed Amilcar when they shot five (5) rounds of ammunition into the back of his body and one round into the back of his head as Amilcar ran away from them. This coldblooded shooting was absolutely unjustified and it is Plaintiffs' goal to show that the cowardly killing of Amilcar was a senseless and unwarranted act of police abuse.

**JURISDICTION AND VENUE**

1  
2 4. This civil action is brought for the redress of alleged deprivations of  
3 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, the Fourth  
4 and Fourteenth Amendments of the United States Constitution. Jurisdiction is  
5 founded on 28 U.S.C. §§ 1331, 1343, and 1367.

6 5. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
7 Defendants reside in, and all incidents, events, and occurrences giving rise to this  
8 action occurred in the City and County of San Francisco, California.

9 **PARTIES**

10 6. Decedent Amilcar Perez Lopez was an individual residing in the City  
11 and County of San Francisco, California. The claims made by the ESTATE OF  
12 AMILCAR PEREZ LOPEZ, are brought by Juan Perez and Margarita Perez Lopez,  
13 the successors in interest to the Estate of Amilcar Perez Lopez.

14 7. Plaintiffs JUAN PEREZ and MARGARITA PEREZ LOPEZ, are and  
15 were, at all times relevant hereto, the natural father and mother of decedent Amilcar  
16 Perez Lopez.

17 8. Defendant CITY AND COUNTY OF SAN FRANCISCO (hereinafter  
18 “SAN FRANCISCO”) is and was, at all relevant times hereto, a public entity, duly  
19 organized and existing under and by virtue of the laws of the State of California, with  
20 the capacity to sue and be sued. Defendant SAN FRANCISCO is responsible for the  
21 actions, omissions, policies, procedures, practices and customs of its various agents  
22 and agencies. SAN FRANCISCO owns, operates, manages, directs and controls  
23 Defendant SAN FRANCISCO POLICE DEPARTMENT (hereinafter also “SFPD”),  
24 also a separate public entity, which employs other Doe Defendants in this action. At  
25 all times relevant to the facts alleged herein, Defendant SAN FRANCISCO was  
26 responsible for assuring that the actions, omissions, policies, procedures, practices  
27  
28

1 and customs of its employees, including SFPD employees, complied with the laws  
2 and the Constitutions of the United States.

3 9. Defendant Chief of Police GREG SUHR (hereinafter "CHIEF SUHR")  
4 is and was, at all relevant times hereto, an individual and the Chief of Police of the  
5 San Francisco Police Department.

6 10. Defendant Officer CRAIG TIFFE (hereinafter "TIFFE") is a police  
7 officer working for the San Francisco Police Department. Defendant TIFFE is sued  
8 in his official and individual capacity. At all times relevant to the present action,  
9 Defendant TIFFE was acting under the color of law, to wit, under the color of the  
10 statutes, ordinances, regulations, policies, customs, and usages of Defendant SAN  
11 FRANCISCO, as well as under the color of the statutes and regulations of the State of  
12 California.

13 11. Defendant Officer ERIC REBOLI (hereinafter "REBOLI") is a police  
14 officer working for the San Francisco Police Department. Defendant REBOLI is  
15 sued in his official and individual capacity. At all times relevant to the present  
16 action, Defendant REBOLI was acting under the color of law, to wit, under the color  
17 of the statutes, ordinances, regulations, policies, customs, and usages of Defendant  
18 SAN FRANCISCO, as well as under the color of the statutes and regulations of the  
19 State of California.

20 12. At all relevant times, each of DOES 1 through 10 were employees of the  
21 SFPD. At all times relevant herein, each of DOES 1 through 10 was an employee  
22 and/or agent of Defendant SAN FRANCISCO and he or she acted under color of law,  
23 to wit, under the color of the statutes, ordinances, regulations, policies, customs, and  
24 usages of Defendant SAN FRANCISCO and the SFPD, as well as under the color of  
25 the statutes and regulations of the State of California.

26 ///

27 ///

28

1           13. At all relevant times, each of the Defendants DOES 1 through 10 was  
2 acting within his or her capacity as an employee, agent, representative and/or servant  
3 of SAN FRANCISCO and is sued in their individual capacities.

4           14. On information and belief, at all relevant times, Defendants TIFFE and  
5 REBOLI, and DOES 1 through 10, inclusive, were residents of the City of San  
6 Francisco, California.

7           15. The true names of Defendants DOES 1 through 10, inclusive, are  
8 unknown to Plaintiff, who therefore sues these Defendants by such fictitious names.  
9 Plaintiff will seek leave to amend this Complaint to show the true names and  
10 capacities of these Defendants when they have been ascertained. Each of the  
11 fictitiously named Defendants is responsible in some manner for the conduct and  
12 liabilities alleged herein.

13           16. Each of the Defendants caused and is responsible for the unlawful  
14 conduct and resulting by, inter alia, personally participating in the conduct, or acting  
15 jointly and in concert with others who did so; by authorizing, acquiescing or failing to  
16 take action to prevent the unlawful conduct; by promulgating policies and procedures  
17 pursuant to which the unlawful conduct occurred; by failing and refusing, with  
18 deliberate indifference to Plaintiffs' rights, to initiate and maintain adequate  
19 supervision and/or training; and, by ratifying the unlawful conduct that occurred by  
20 agents and peace officers under their direction and control. Whenever and wherever  
21 reference is made in this Complaint to any act by a Defendant, such allegation and  
22 reference shall also be deemed to mean the acts and failures to act of each Defendant  
23 individually, jointly and severally. They are sued in their individual and official  
24 capacities and in some manner are responsible for the acts and omissions alleged  
25 herein. Plaintiffs will ask leave of this Court to amend this Complaint to allege such  
26 name and responsibility when that information is ascertained. Each of the  
27 Defendants is the agent of the other.  
28

**FACTS COMMON TO ALL CLAIMS FOR RELIEF**

1  
2 17. Plaintiffs reallege and incorporate the foregoing paragraphs as if set  
3 forth herein.

4 18. Amilcar Perez Lopez was born on July 27, 1994, and was only 20 years  
5 old at the time of his death. He was five feet and three inches tall and weighed 131  
6 pounds.

7 19. On or about February 26, 2015, at approximately 9:54 p.m., Amilcar  
8 Perez Lopez was walking to his apartment when he was confronted by a man, who  
9 began following and taunting him. An altercation ensued between the man and  
10 Amilcar. The altercation subsided and Amilcar began walking northbound on the  
11 east sidewalk of Folsom Street. As he walked home, Officer TIFFE and Officer  
12 REBOLI surreptitiously rushed at Amilcar from behind. One of the officers grabbed  
13 Amilcar Perez Lopez and secured a bear-hug hold around Amilcar's petite upper  
14 body. Because TIFFE and REBOLI wore civilian clothing, and did not identify  
15 themselves, Amilcar was not able to determine that the men were police officers.  
16 Amilcar broke free by wriggling out from the officer's hold. Amilcar fled toward the  
17 street between two vehicles parked at the east curb of Folsom Street.

18 20. As he fled from them, TIFFE and REBOLI pointed their firearms at the  
19 small undersized 20-year-old male running away from them. One of the officers shot  
20 five bullets into Amilcar's back and the other officer fired one bullet into the back of  
21 Amilcar's head. Amilcar had run only a couple of feet before he was shot and killed  
22 in cold blood by Officer TIFFE and Officer REBOLI.

23 21. That same evening, CHIEF SUHR, alongside other SFPD officers,  
24 supervisors and officials, arrived at the scene and began their investigation of the  
25 shooting. Throughout the entire investigation, Amilcar's body lay dead on the street  
26 as blood and brain matter seeped from his remains. At the conclusion of the  
27 investigation, CHIEF SUHR declared to a local news station while holding his right  
28

1 hand up near his face and clasping his hand as if holding a knife that Amilcar had  
2 “lunged at the officer with a knife overhead. [The officer] fired five shots. The  
3 original initiating officer fired one.”

4 22. In the following days, CHIEF SUHR and various SFPD officers,  
5 supervisors and officials conducted further investigations into the shooting of  
6 Amilcar Perez Lopez. An autopsy was also performed by the City and County of San  
7 Francisco Office of the Medical Examiner.

8 23. Notwithstanding the unequivocal physical evidence from the autopsy  
9 clearly indicating that Amilcar Perez Lopez had been shot in the back and the  
10 corroborating statements from two eye witnesses, CHIEF SUHR falsely declared at a  
11 town hall meeting on March 2, 2015, that “the officers were approximately 5 to 6 feet  
12 away when the suspect charged at one of the officers with the knife raised over head.  
13 Both officers discharged their firearms.” CHIEF SUHR went as far as to present a  
14 diagram to indicate the SFPD’s official and false version of the shooting. CHIEF  
15 SUHR knowingly misinterpreted the facts in a concerted effort to cover up the  
16 cowardly acts of Officer TIFFE and Officer REBOLI.

17 24. Defendants TIFFE and REBOLI killed Amilcar Perez Lopez without  
18 justification. The shooting and killing of Amilcar Perez Lopez was without  
19 provocation, cause or necessity as Amilcar Perez Lopez did not pose a threat or  
20 represent a danger of any nature to anyone, including Defendants TIFFE and  
21 REBOLI, at the time of the shooting. Amilcar Perez Lopez was running away from  
22 what he believed were two unfamiliar men threatening to hurt him. He was shot in  
23 the back as he fled from the officers. Accordingly, the shooting and killing of  
24 Amilcar Perez Lopez was unjustified and this use of force was unwarranted and  
25 excessive under the circumstances.

26 25. Defendants SAN FRANCISCO and CHIEF SUHR were long aware of  
27 the propensity of their police officers, including Defendants TIFFE and REBOLI, to  
28

1 callously and recklessly use excessive force against members of the public,  
2 particularly targeting minority groups, and to engage in deceitful misconduct:

- 3 a. In 2009, a federal lawsuit was filed against Defendants TIFFE and  
4 REBOLI by plaintiff, David Magana. The lawsuit alleged that on March  
5 30, 2008, Defendants TIFFE and REBOLI beat Magana repeatedly in  
6 the head with a baton causing him to bleed profusely. The lawsuit  
7 alleged federal civil rights violations, as well as state claims for assault  
8 and battery and the negligent training and supervision by the SAN  
9 FRANCISCO and the SFPD. The lawsuit resolved in a settlement.
- 10 b. As far back as 2004, REBOLI demonstrated unfitness to work as a peace  
11 officer when he beat a man unconscious in an elevator while serving as a  
12 security guard at the Sir Francis Drake Hotel, located in San Francisco.  
13 The SAN FRANCISCO, SFPD, and CHIEF SUHR were aware of this  
14 attack having conducted a background check on REBOLI.
- 15 c. Currently, 13 SFPD officers are being investigated for racist and  
16 homophobic text messages targeting African- Americans, Latinos,  
17 Asians and homosexuals. These acts further evidence the racist and  
18 extremist culture existing amongst SFPD police officers.
- 19 d. In February of 2015, a video surfaced capturing SFPD Officer Raymond  
20 Chu hit and kick a homeless man sleeping on a public bus.
- 21 e. In January 2015, a video captured an unnamed SFPD officer shoving a  
22 handicapped man sitting on a wheelchair into the street.
- 23 f. In March of 2014, Alejandro Nieto was unlawfully shot and killed by  
24 several unnamed SFPD police officers. Similar to the investigation  
25 surrounding the shooting and killing of Amilcar Perez Lopez, the  
26 investigation into the shooting of Alejandro Nieto uncovered physical  
27  
28



1 evidence contradicting the SFPD's version of events. A lawsuit is  
2 pending regarding this incident.

- 3 g. In February of 2014, federal indictments were filed against six SFPD  
4 officers for constitutional rights violations, extortion, perjury, and  
5 falsification of police reports. These acts targeted members of several  
6 San Francisco communities, including Mission District where Amilcar  
7 Perez Lopez was shot and killed.
- 8 h. In February of 2012, video footage captured an unnamed SFPD officer  
9 repeatedly punching a subdued suspect. Despite the video footage,  
10 SFPD Sergeant Michael Andraychak ratified the conduct during a press  
11 conference.
- 12 i. In March of 2011, SFPD Officer Razzak was found guilty as a result of  
13 an FBI investigation regarding unlawful searches and seizures which  
14 were captured of footage.
- 15 j. In May of 2008, SAN FRANCISCO reached a settlement with  
16 kindergarten teacher, Kelly Medora, as a result of the excessive force  
17 used against her person by SFPD Officer Christopher Damonte.
- 18 k. The San Francisco Chronicle, held a series of articles titled "*Use of*  
19 *Force*" which documented use-of-force incidents by SFPD police  
20 officers. The series reports that a core group of roughly 100 officers,  
21 out of a force of 2,200, is accountable for 25 percent of the uses of force  
22 logged between 1996 and 2004. The series further reports that in any  
23 given year, two-thirds to three-quarters of the department's officers  
24 report using no force at all.

25 ///

26 ///

27 ///

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FIRST CLAIM FOR RELIEF**  
**Excessive Force/Unreasonable Seizure**  
**42 U.S.C. § 1983**

**As Against Defendants C. TIFFE, E. REBOLI, and DOES 1 through 10**

26. Plaintiffs reallege and incorporate the foregoing paragraphs as if set forth herein.

27. Defendants TIFFE and REBOLI’s actions described herein violated Plaintiff AMILCAR PEREZ LOPEZ’s rights under the Fourth Amendment to the United States Constitution incorporated and made applicable to states and municipalities by the Due Process Clause of the Fourteenth Amendment, by subjecting Amilcar Perez Lopez to unreasonable searches and seizures of his person.

28. At the time Amilcar Perez Lopez was shot and killed, he was not engaging in any assaultive or threatening conduct. Under the totality of the relevant circumstances that existed, Amilcar Perez Lopez posed no danger or threat to Defendants TIFFE and REBOLI, or anyone else. The shooting and killing of Amilcar Perez Lopez was unreasonable under the circumstances in every respect.

29. These actions violated Amilcar Perez Lopez’s right to be free from unreasonable searches and seizures as guaranteed under the Fourth Amendment to the United States Constitution.

30. The violation of Plaintiffs’ Fourth Amendment rights occurred pursuant to a policy, custom, or practice, maintained by SAN FRANCISCO of subjecting private citizens to unreasonable searches and seizures in violation of the Fourth Amendment to the United States.

31. Defendants’ conduct violated clearly established constitutional or other rights, of which Defendants knew, or of which reasonable public officials should have known, rendering Defendants liable to Plaintiffs under 42 U.S.C. § 1983.

///

1 32. The unauthorized, unwarranted killing of Amilcar Perez Lopez was  
2 willful and done with a deliberate disregard for the rights and safety of Amilcar Perez  
3 Lopez, and therefore warrants the imposition of punitive damages as to Defendants  
4 TIFFE and REBOLI.

5 33. After being shot by Defendants TIFFE and REBOLI, Amilcar Perez  
6 Lopez endured great physical and emotional pain and suffering.

7 34. Accordingly, Defendants TIFFE and REBOLI are liable to Plaintiff for  
8 compensatory damages pursuant to 42 U.S.C. § 1983.

9 **SECOND CLAIM FOR RELIEF**

10 **Municipal Liability for Unconstitutional Customs and Practices**

11 **42 U.S.C. § 1983**

12 **As Against Defendant CITY AND COUNTY OF SAN FRANCISCO,**  
13 **SAN FRANCISCO POLICE DEPARTMENT and DOES 1 through 10**

14 35. Plaintiffs reallege and incorporate the foregoing paragraphs as if set  
15 forth herein.

16 36. On and before February 26, 2015, and prior to the killing of Amilcar  
17 Perez Lopez, Defendants SAN FRANCISCO, SFPD and Does 1 through 10, and each  
18 of them, were aware that Defendants TIFFE and REBOLI had engaged in a custom  
19 and practice of callous and reckless use of firearms and other misconduct, as  
20 summarized in the paragraphs above.

21 37. Defendants SAN FRANCISCO, SFPD and Does 1 through 10, and each  
22 of them, acting with deliberate indifference to the rights and liberties of the public in  
23 general, and of the present Plaintiffs, and of persons in Amilcar Perez Lopez’s class,  
24 situation and comparable position in particular, knowingly maintained, enforced and  
25 applied customs and practices of:

- 26 a. Encouraging, accommodating, or ratifying the shooting of residents; the  
27 use of excessive and unreasonable force, including deadly force;  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- b. Encouraging, accommodating, or facilitating a “code of silence” among SFPD officers/supervisors, pursuant to which false reports were generated and excessive and unreasonable force was covered up;
- c. Employing and retraining, as police officers and other personnel, including individuals such as Defendants TIFFE and REBOLI, who said Defendants knew or reasonably should have known had dangerous propensities for abusing their authority and for mistreating members of the public;
- d. Inadequately supervising, training, and disciplining SFPD police officers, including Defendants TIFFE and REBOLI, who said Defendants knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits;
- e. Maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining and controlling intentional misconduct by officers;
- f. Assigning police officers with known histories of misconduct, including criminal conduct, in accord with SFPD custom of assigning these police officers to come into contact with members of the public;
- g. Ratifying wrongful conduct by police officers and supervisors which result in serious injuries and death to members of the public, civil litigation judgments and settlements by failing to implement corrective action to prevent repetition of the wrongful conduct; and
- h. Failing to discipline, investigate and take corrective actions against SFPD police officers for misconduct, including, but not limited to, unlawful detention, excessive force and false reports.

///  
///

1 38. By reason of the aforementioned customs and practices, Plaintiffs were  
2 severely injured and subjected to pain and suffering as alleged above in the First  
3 Claim for Relief.

4 39. Defendants SAN FRANCISCO, SFPD and Does 1 through 10, with  
5 various other officials, whether named or unnamed, had either actual or constructive  
6 knowledge of the deficient policies, practices and customs alleged in the paragraphs  
7 above. Despite having knowledge as stated above these Defendants condoned,  
8 tolerated and through actions and inactions thereby ratified such customs and  
9 practices. Said Defendants also acted with deliberate indifference to the foreseeable  
10 effects and consequences of these policies with respect to the constitutional rights of  
11 Plaintiffs and other individuals similarly situated.

12 40. Plaintiffs are informed and believe and thereon allege that Defendants  
13 TIFFE and REBOLI each had a history and propensity for acts of the nature  
14 complained of herein and manifested such propensity prior to and during their  
15 employment and/or agency with Defendant SAN FRANCISCO. Plaintiffs are further  
16 informed and believe and thereon allege that Defendants SAN FRANCISCO, SFPD,  
17 and Does 1 through 10, knew, or in the exercise of reasonable care should have  
18 known, of such prior history and propensity at the time such individuals were hired  
19 and/or during the time of their employment. These Defendants' disregard of this  
20 knowledge and/or failure to adequately investigate and discover and correct such  
21 facts caused the violation of Plaintiffs' constitutional rights.

22 41. The policies, practices, and customs implemented and maintained and  
23 still tolerated by Defendants SAN FRANCISCO, SFPD and Does 1 through 10, and  
24 each of them, were affirmatively linked to and were a significantly influential force  
25 behind the injuries of Plaintiffs.

26 42. By reason of the aforementioned acts and omissions, Amilcar Perez  
27 Lopez was shot and killed by Defendants TIFFE and REBOLI.  
28

1 43. Accordingly, Defendant SAN FRANCISCO is liable to Plaintiffs for  
2 compensatory damages pursuant to 42 U.S.C. § 1983.

3 **THIRD CLAIM FOR RELIEF**

4 **Supervisory Liability for Ratification and**  
5 **Failure to Train, Supervise and Discipline**

6 **42 U.S.C. § 1983**

7 **As Against Defendant CHIEF GREG SUHR, and DOES 1 through 10**

8 44. Plaintiffs reallege and incorporate the foregoing paragraphs as if set  
9 forth herein.

10 45. On and before February 26, 2015, and prior to the killing of Amilcar  
11 Perez Lopez, Defendant CHIEF SUHR and Does 1 through 10, and each of them,  
12 were aware that Defendants TIFFE and REBOLI had engaged in a custom and  
13 practice of callous and reckless use of firearms and other misconduct, as summarized  
14 in the paragraphs above.

15 46. Defendant CHIEF SUHR and Does 1 through 10 are sued in their  
16 individual and personal capacities as supervisors and line officers on duty at the time  
17 of the shooting of Amilcar Perez Lopez, and for their ongoing duties as supervisors  
18 responsible for the investigation of the shooting and killing of Amilcar Perez Lopez  
19 by Defendants TIFFE and REBOLI.

20 47. As described in more detail in the paragraphs above, Defendant CHIEF  
21 SUHR was presented with physical evidence unequivocally confirming that all six  
22 shots entering the back of Amilcar’s upper torso and head, and despite this glaring  
23 example of excessive force, and in light of the circumstances, CHIEF SUHR ratified  
24 the conduct of Defendants TIFFE and REBOLI to ensure that said Defendants did not  
25 receive any meaningful discipline.

26 48. CHIEF SUHR is sued in his individual and personal capacity. CHIEF  
27 SUHR knew or reasonably could have known, of his subordinates’ ongoing  
28

1 constitutional violations, use of excessive force on members of the public, failure to  
2 investigate incidents involving use of force. CHIEF SUHR failed to act to prevent  
3 these acts and he acquiesced, condoned or ratified a custom, practice or policy of  
4 ongoing misconduct by his subordinates, including Defendants TIFFE and REBOLI.  
5 CHIEF SUHR is sued in his individual capacity for his own culpable action or  
6 inaction in the training, supervisor, or control of his subordinates. CHIEF SUHR is  
7 also sued for his acquiescence in the constitutional deprivations as alleged herein,  
8 and/or conduct that showed a reckless or callous indifference to the rights of persons  
9 by implementation of policies, rules or directives. CHIEF SUHR's actions and/or  
10 inactions set in motion a series of acts by others, which he knew or reasonably should  
11 have known, would cause others to inflict the constitutional violations alleged herein

12 49. Plaintiffs are informed and believe and thereon allege that prior to the  
13 incident alleged herein, on or before February 26, 2015, and subsequent hereto,  
14 CHIEF SUHR knew or reasonably should have known, that SAN FRANCISCO  
15 police officers, including Defendants TIFFE and REBOLI, in the course and scope of  
16 their employment under color of law, committed similar acts of using unjustified  
17 excessive and deadly force, failure to investigate officer misconduct and violation of  
18 constitutional rights, which wrongful conduct resulted in ongoing use of excessive  
19 force against members of the public.

20 50. Defendants CHIEF SUHR and Does 1 through 10, and each of them,  
21 acting with deliberate indifference to the rights and liberties of the public in general,  
22 and of the present Plaintiffs, and of persons in Amilcar Perez Lopez's class, situation  
23 and comparable position in particular, knowingly maintained, enforced and applied  
24 customs and practices of:

- 25 a. Ratifying wrongful conduct by police officers and supervisors which  
26 result in serious injuries and death to members of the public, civil  
27  
28

1 litigation judgments and settlements by failing to implement corrective  
2 action to prevent repetition of the wrongful conduct;

- 3 b. Failing to discipline, investigate and take corrective actions against  
4 SFPD police officers for misconduct, including, but not limited to,  
5 unlawful detention, excessive force and false reports;
- 6 c. Ratifying investigative reports and diagrams designed to vindicate the  
7 use of force against members of the public, regardless of whether such  
8 acts were justified;
- 9 d. Ratifying investigative reports and diagrams which uncritically rely  
10 solely on the word of officers involved in the aforementioned  
11 confrontations and which systematically fail to credit testimony by non-  
12 officer witnesses;
- 13 e. Ratifying investigative reports and diagrams which omit factual  
14 information and physical evidence which contradicts the accounts of the  
15 involved officers, including contradictory physical evidence revealed  
16 from autopsy reports;
- 17 f. Issuing false public statements exonerating officers and other personnel  
18 involved in such incidents even after being presented with contradictory  
19 reliable physical evidence, such as autopsy reports;
- 20 g. Employing and retraining, as police officers and other personnel,  
21 including individuals such as Defendants TIFFE and REBOLI, who said  
22 Defendants knew or reasonably should have known had dangerous  
23 propensities for abusing their authority and for mistreating members of  
24 the public; and
- 25 h. Inadequately supervising, training, controlling, assigning, and  
26 disciplining SFPD police officers, including Defendants TIFFE and  
27 REBOLI, who said Defendants knew or in the exercise of reasonable  
28



1 care should have known had the aforementioned propensities and  
2 character traits.

3 51. By reason of the aforementioned customs and practices, Plaintiffs were  
4 severely injured and subjected to pain and suffering as alleged above in the First  
5 Claim for Relief.

6 52. By reason of the aforementioned acts and omissions, Amilcar Perez  
7 Lopez was shot and killed by Defendants TIFFE and REBOLI.

8 53. Accordingly, Defendant SAN FRANCISCO is liable to Plaintiffs for  
9 compensatory damages pursuant to 42 U.S.C. § 1983, and Defendant CHIEF SUHR  
10 is liable to Plaintiffs for punitive damages pursuant to 42 U.S.C. § 1983.

11 **FOURTH CLAIM FOR RELIEF**

12 **Interference with Familial Integrity**

13 **Substantive Due Process Violation**

14 **42 U.S.C. § 1983**

15 **As Against Defendants C. TIFFE, E. REBOLI, CHIEF GREG SUHR,**  
16 **CITY AND COUNTY OF SAN FRANCISCO, SAN FRANCISCO POLICE**  
17 **DEPARTMENT and DOES 1 through 10**

18 54. Plaintiffs reallege and incorporate the foregoing paragraphs as if set  
19 forth herein.

20 55. The present claim is brought pursuant to 42 U.S.C. § 1983, for violation  
21 of the right of familial integrity guaranteed by the Fourteenth Amendment of the  
22 United States Constitution.

23 56. As alleged above, the shooting and killing of Amilcar Perez Lopez was  
24 unreasonable under the circumstances of the encounter between Amilcar Perez Lopez  
25 and Defendants TIFFE and REBOLI. As such, the shooting and killing of Amilcar  
26 Perez Lopez violated the constitutional limits on police use of deadly force in  
27 violation of the Fourth Amendment’s limits on unreasonable seizures.  
28

1 57. At the same time, the shooting and killing of Amilcar Perez Lopez by  
2 Defendants TIFFE and REBOLI violated the rights of Plaintiffs JUAN PEREZ and  
3 MARGARITA PEREZ LOPEZ to be free from police interference in their  
4 relationship with Amilcar Perez Lopez.

5 58. The unreasonable conduct of Defendants TIFFE and REBOLI was the  
6 direct and proximate cause of the death of Amilcar Perez Lopez. As a result of the  
7 unreasonable conduct of Defendants TIFFE and REBOLI, Plaintiffs lost Amilcar  
8 Perez Lopez, as well as his love, affection, society and moral support.

9 59. The unreasonable conduct of these Defendants was willful and done  
10 with a deliberate disregard for the rights and safety of Amilcar Perez Lopez and the  
11 present Plaintiffs and therefore warrants the imposition of punitive damages as to  
12 Defendants TIFFE and REBOLI.

13 60. Accordingly, Defendants CITY AND COUNTY OF SAN FRANCISCO  
14 and DOES 1 through 10 are liable to Plaintiffs for compensatory damages pursuant to  
15 42 U.S.C. § 1983.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiffs seek judgment as follows:

- 18 A. For compensatory damages, including pre-death pain and suffering  
19 damages, general damages and special damages, and statutory damages for  
20 violation of the laws and Constitution of the United States, in an amount to  
21 be determined at trial;
- 22 B. For punitive damages against Defendants CRAIG TIFFE and ERIC  
23 REBOLI pursuant to 42 U.S.C. § 1983, and any other applicable laws or  
24 statutes, in an amount sufficient to deter and make an example of each of  
25 them;
- 26 C. For prejudgment interest to be determined at trial;

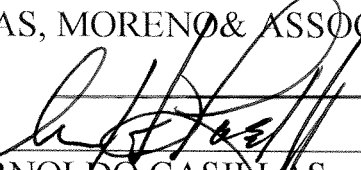
27 ///

- 1 D. For reasonable costs of this suit and attorneys' fees, including attorneys'
- 2 fees pursuant to 42 U.S.C. § 1988; and
- 3 E. For such further other relief as the Court may deem just, proper, and
- 4 appropriate.

5 Dated: April 24, 2015


CASILLAS, MORENO & ASSOCIATES

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By   
 ARNOLDO CASILLAS  
 DENISSE O. GASTELUM  
 Attorneys for Plaintiffs, ESTATE OF  
 AMILCAR PEREZ LOPEZ, by and through  
 successors in interest, JUAN PEREZ and  
 MARGARITA LOPEZ PEREZ; JUAN  
 PEREZ, individually; MARGARITA LOPEZ  
 PEREZ, individually

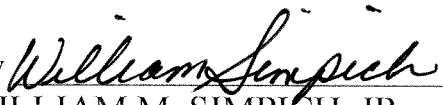
Dated: April 24, 2015

JONATHAN D. MELROD, ESQ.

By   
 JONATHAN D. MELROD  
 Attorneys for Plaintiffs, ESTATE OF  
 AMILCAR PEREZ LOPEZ, by and through  
 successors in interest, JUAN PEREZ and  
 MARGARITA LOPEZ PEREZ; JUAN  
 PEREZ, individually; MARGARITA LOPEZ  
 PEREZ, individually

Dated: April 24, 2015

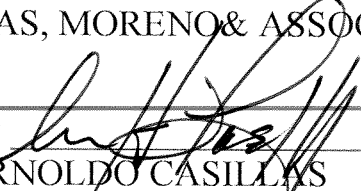
WILLIAM M. SIMPICH, JR., ESQ.

By   
 WILLIAM M. SIMPICH, JR.  
 Attorneys for Plaintiffs, ESTATE OF  
 AMILCAR PEREZ LOPEZ, by and through  
 successors in interest, JUAN PEREZ and  
 MARGARITA LOPEZ PEREZ; JUAN  
 PEREZ, individually; MARGARITA LOPEZ  
 PEREZ, individually


**DEMAND FOR JURY TRIAL**

1  
2 Plaintiffs ESTATE OF AMILCAR PEREZ LOPEZ, by and through successors  
3 in interest, JUAN PEREZ and MARGARITA LOPEZ PEREZ, and JUAN PEREZ,  
4 and MARGARITA LOPEZ PEREZ hereby demand trial by jury.


5 Dated: April 24, 2015 CASILLAS, MORENO & ASSOCIATES

6  
7 By   
8 ARNOLDO CASILLAS  
9 DENISSE O. GASTELUM  
10 Attorneys for Plaintiffs, ESTATE OF  
11 AMILCAR PEREZ LOPEZ, by and through  
12 successors in interest, JUAN PEREZ and  
13 MARGARITA LOPEZ PEREZ; JUAN  
14 PEREZ, individually; MARGARITA LOPEZ  
15 PEREZ, individually

13 Dated: April 24, 2015 JONATHAN D. MELROD, ESQ.

14  
15 By   
16 JONATHAN D. MELROD  
17 Attorneys for Plaintiffs, ESTATE OF  
18 AMILCAR PEREZ LOPEZ, by and through  
19 successors in interest, JUAN PEREZ and  
20 MARGARITA LOPEZ PEREZ; JUAN  
21 PEREZ, individually; MARGARITA LOPEZ  
22 PEREZ, individually

20 Dated: April 24, 2015 WILLIAM M. SIMPICH, JR., ESQ.

21  
22 By   
23 WILLIAM M. SIMPICH, JR.  
24 Attorneys for Plaintiffs, ESTATE OF  
25 AMILCAR PEREZ LOPEZ, by and through  
26 successors in interest, JUAN PEREZ and  
27 MARGARITA LOPEZ PEREZ; JUAN  
28 PEREZ, individually; MARGARITA LOPEZ  
PEREZ, individually