



HERRMANN SCHOLBE

PERSONAL INJURY & INSURANCE LAW FIRM

FORMER SENATOR & INSURANCE COMMISSIONER

Karl Herrmann (1915-1997) Founder

January 6, 2016

Press Release

Justice is Coming...

The mother of the Mexican man Pasco police officers shot to death last February filed suit today in U.S. District Court for Eastern Washington. Agapita Montes Rivera, the Personal Representative of the Estate of her son, Antonio Zambrano Montes, named as defendants the City of Pasco, its Chief of Police Robert Metzger and the 3 police officers who actually shot Zambrano. His father, Jesus Zambrano Fernandez, joined his wife in the lawsuit.

Seattle attorney Charles Herrmann who filed the suit explained: "These causes of action are based upon violations of federal law that prohibit police use of excessive force when affecting an arrest. In this case, it's obvious that 17 shots, resulting in 7-8 bullet wounds in a man who was first fleeing and then attempting to surrender - was excessive in the extreme."

According to Herrmann, "The City of Pasco and Chief Metzger are equally liable for the killing because the Chief had fostered a long standing policy whereby police officers were not properly trained in Crisis Intervention in the areas of de-escalation and the use of non-lethal means especially when dealing with mentally disturbed people. Afterwards, the Chief fully exonerated these officers thereby ratifying the killing."

"While local law enforcement whitewashed this killing in deciding not to file criminal charges, this case demands a full public civil trial before a fair and impartial jury where both sides will be heard. What we must prove is significantly different from a prosecutor's burden in a criminal case. First, the burden of proof is a mere preponderance of evidence, as opposed to the criminal burden of beyond a reasonable doubt. No evil intent is required, only that deadly force was objectively unreasonable under the circumstances."

"Justice is coming," Herrmann concluded.

HERRMANN SCHOLBE

By: Charles Herrmann

Attorney at Law

Direct: (206) 488-5911

Email: charles@hslawfirm.com

1 **CHARLES HERRMANN** (WA Bar #6173)
2 Email: charles@hslawfirm.com
3 505 5th Avenue South, Ste. 630
4 Seattle, WA 98104
5 Phone: (206) 625-9104 / Fax: (206) 682-6710

6 *Pending Admission Pro Hac Vice:*

7 **JOSE BAEZ** (FL Bar #13232)
8 Email: jose@baezlawfirm.com
9 2020 Ponce De Leon Blvd, Ste. 1101
10 Coral Gables, FL 33134
11 Phone: (305) 999-5100 / Fax: (305) 999-5111

12 *Pending Admission Pro Hac Vice:*

13 **BENJAMIN CRUMP** (FL Bar #72583)
14 Email: bcrump@parkscrump.com
15 240 North Magnolia Drive
16 Tallahassee, FL 32301
17 Phone: (850) 224-6400 / Fax: (850) 224-6679

18 *Attorneys for Plaintiffs*

19 **UNITED STATES DISTRICT COURT**
20 **EASTERN DISTRICT OF WASHINGTON**

21 **Agapita Montes Rivera**, in her
22 capacity as **Personal Representative**
23 **of the Estate of Antonio Zambrano**
24 **Montes**, as well as individually; and,
25 **Jesus Zambrano Fernandez**,
26 individually,

27 Plaintiffs,

28 Vs.

City of Pasco; a municipality; **Robert**
and **"Jane Doe" Metzger**, each
individually and their marital
community; **Adam** and **"Jane Doe"**
Wright, each individually and their
marital community; **Ryan** and **"Jane**
Doe" Flanagan, each individually and
their marital community; **Adrian** and
"Jane Doe" Alaniz, each individually
and their marital community,

Defendants.

Case No.

COMPLAINT

1. **Wrongful Death:**
42 USC §1983, RCW 4.20.010
2. **Survival: Pre-death Suffering:**
42 USC §1983, RCW 4.20.046, &
RCW 4.20.060
3. **PARENTS: Death of Child**
42 USC §1983, RCW 4.24.010

DEMAND FOR JURY TRIAL

1 COME NOW the plaintiffs, through their attorneys, to allege and
2 complain as follows:

3 **I. SYNOPSIS**

4 1. Plaintiffs seek redress for the unjustifiable killing of Decedent
5 *Antonio Zambrano Montes*. He was shot to death by Defendant Pasco police
6 officers *Flanagan, Wright, and Alaniz* shortly after 5:00 PM on February 10,
7 2015, in Pasco, Washington.

8 **II. JURISDICTION & VENUE**

9 2. The *federal* causes of action are brought under 42 USC §§1983 &
10 1988. This Court has original federal question jurisdiction under 28 USC
11 §§1331 & 1343.

12 3. To the extent these causes of action are also brought pursuant to
13 Washington State statutes concerning Wrongful Death & Survival actions,
14 they are so related to the federal claims they form part of the same case or
15 controversy. This Court has supplemental jurisdiction under 28 USC
16 §1367(a).

17 4. The incident out of which these causes of action arise occurred
18 within, and the Defendants all reside in, the Eastern District of Washington.
19 Venue is proper in this Court under 28 USC §1391.

20 **III. PARTIES**

21 5. Plaintiff *Agapita Montes Rivera* is the natural mother of the
22 Decedent *Antonio Montes Zambrano*. She has been duly appointed Personal
23 Representative of the Estate of *Antonio Montes Zambrano* by the Benton
24 County Superior Court in: *In the Matter of the Estate of Antonio Zambrano*
25 *Montes*, Cause No. 15-4-00297-4. As the Personal Representative of
26 Zambrano's Estate, she is the sole person authorized by RCW 4.20 et Seq. to
27 sue on behalf of Zambrano's Estate for the benefit of the Decedent's two
28

1 minor daughters. Plaintiff *Agapita Montes Rivera* also brings a cause of action
2 in her own name for the wrongful death of her son.

3 6. Plaintiff *Jesus Zambrano Fernandez* is the natural father of
4 Decedent *Antonio Zambrano Montes*. He brings his cause of action in his own
5 name for the wrongful death of his son.

6 7. Defendant *City of Pasco* is a public entity duly created and
7 organized as a municipality under the laws of the state of Washington. The
8 City of Pasco encompasses the Pasco Police Department, which is a
9 subcomponent thereof.

10 8. Defendant *Robert Metzger* is the Chief of Police for the Defendant
11 City of Pasco. The true name of Defendant *Robert Metzger's* wife is unknown.
12 She has been designated "*Jane Doe*" Metzger and is named as a defendant
13 solely to secure jurisdiction over their marital community.

14 9. Defendant *Adam Wright* was one of three Pasco police officers
15 who actively participated in killing Decedent *Antonio Zambrano Montes*. The
16 true name of Defendant *Adam Wright's* wife is unknown. She has been
17 designated "*Jane Doe*" Wright and is named as a defendant solely to secure
18 jurisdiction over their marital community.

19 10. Defendant *Ryan Flanagan* was one of three Pasco police officers
20 who actively participated in killing Decedent *Antonio Zambrano Montes*. The
21 true name of Defendant *Ryan Flanagan's* wife is unknown. She has been
22 designated "*Jane Doe*" Flanagan and is named as a defendant solely to secure
23 jurisdiction over their marital community.

24 11. Defendant *Adrian Alaniz* was one of three Pasco police officers
25 who actively participated in killing Decedent *Antonio Zambrano Montes*. The
26 true name of Defendant *Adrian Alaniz's* wife is unknown. She has been
27 designated "*Jane Doe*" Alaniz and is named as a defendant solely to secure
28 jurisdiction over their marital community.

IV. FACTUAL BACKGROUND

1
2 12. On February 10, 2015, at approximately 5:08 PM in Pasco,
3 Washington a caller advised the 911 operator that a Hispanic male had thrown
4 rocks at passing vehicles near the intersection of N. 10th Ave & W. Lewis St.

5 13. Defendant Pasco Police Officer Adrian Alaniz was the first officer
6 to arrive at the scene. Although Alaniz was ethnically Hispanic, he possessed
7 only rudimentary command of Spanish. Alaniz had had scant Crisis
8 Intervention Training ("CIT"). A few months before this incident, he had
9 attended a two day course at the Kennewick Police Department on the subject
10 of *Street Survival* and then a piece of the class on *CIT*. He later recalled that
11 he was taught to contain and assert control over a mentally disturbed
12 individual before the mental aspects of the situation should be addressed.

13 14. Alaniz arrived at the scene armed with: Oleoresin Capsicum (OC),
14 commonly pepper spray; a baton; a Taser X21P with one cartridge; a
15 Remington Model 870 less lethal shotgun; a .45 caliber Glock 21 semi-
16 automatic handgun; and, an AR 15 rifle. He left the less lethal shotgun in his
17 vehicle and never retrieved it. He was wearing a Kevlar vest inside his
18 uniform.

19 15. Exiting his patrol car, Alaniz approached Zambrano on foot.
20 Recalling training Alaniz received in CIT, he immediately recognized
21 Zambrano was most likely mentally disturbed, either under the influence of
22 drugs and/or mentally ill. Alaniz observed that Zambrano's pupils were widely
23 dilated and he was sweating profusely in the relatively cool air of that winter
24 afternoon. Alaniz further noted that Zambrano was breathing heavily through
25 his mouth with dry saliva in its corners. Zambrano was yelling, shouting and
26 holding rocks in each hand. His body was tense with the veins in his neck
27 readily apparent.

1 16. Defendant Alaniz first action was to yell at Zambrano, ordering
2 him to: "Drop the rocks." Zambrano responded by assuming an aggressive
3 stance and then shuffling towards Alaniz yelling in Spanish: "*No, no, mátame,*
4 *mátame puto!*" (No, no, kill me, kill me bitch!).

5 17. What immediately followed thereafter were several back and
6 forth exchanges between the two men in the dirt lot on the southwest corner
7 of the intersection with Zambrano shuffling towards Alaniz, screaming and
8 brandishing a rock in his hands, then stopping to back off towards the street
9 corner. Alaniz would close on Zambrano while continuing to order the rocks
10 dropped.

11 18. At no point during these initial exchanges did Zambrano throw
12 rocks at anyone. Alaniz did not see fit to draw his firearm, let alone fire it at
13 Zambrano. He did, however, call for backup.

14 19. At that moment, Alaniz failed to employ standard Crisis
15 Intervention de-escalation techniques in dealing with mentally disturbed
16 individuals such as the calming influences of proper tone, pitch, rate of
17 speech, or wording to affirm and partner with Zambrano. Instead, Alaniz
18 chose the opposite; instead of attempting to engage Zambrano, he escalated
19 the situation trying to control by arguing, ordering and demanding – literally
20 screaming at Zambrano: "*Drop the f**king rocks.*" Alaniz recognized that his
21 commands were prompting Zambrano to repetitively respond with "*Kill me*
22 *bitch!*" Still Alaniz followed a course of escalation. He adopted aggressive
23 body language, acting rushed with rapid movements. Alaniz did not allow
24 Zambrano recommended personal space, continuing to yell commands.

25 20. When his wrongful actions proved futile, Alaniz sharply increased
26 the escalation. Even though Zambrano had thrown no rocks at anyone in
27 Alaniz's presence, Alaniz drew and aim his Taser at Zambrano threatening:
28 "*If you do not drop the rocks, I'm going to Tase you.*" According to Alaniz,

1 upon Zambrano hearing the threat and seeing the Taser's red aiming light on
2 himself, the intensity of his anger *"stepped up a-another level... everything*
3 *amped up."*

4 21. With no one hurt, nor even any rocks thrown since his arrival,
5 Alaniz fired his Taser at Zambrano. While the Taser probes evidently made
6 contact, they did not have the desired effect. Zambrano did not drop. At this
7 point Zambrano threw his first rock since Alaniz had arrived on the scene

8 22. Then Defendant Flanagan arrived on the scene. His CIT training
9 was virtually nonexistent, comprised of only offering a mentally distressed
10 person a phone number for a county healthcare worker, or detain the suspect
11 until one arrived.

12 23. Flanagan had no OC spray. He had a baton, but did not carry it.
13 His vehicle was equipped with an AR 15 rifle, which he left behind. However,
14 his new Taurus patrol car had evidently not yet been outfitted with a
15 Remington Model 870 less lethal shotgun; it was missing. As he exited his
16 vehicle, he carried only a Taser X21P with one cartridge and his .45 caliber
17 Glock 21 semi-automatic handgun.

18 24. After being chased by Zambrano momentarily, Flanagan fired his
19 Taser at Zambrano. He missed; only one of his Taser's probes made contact.

20 25. For the next few moments, both Alaniz and Flanagan moved
21 about Zambrano brandishing their firearms while yelling at him to drop the
22 rocks and/or to get on the ground. Zambrano threw several rocks at these
23 officers harmlessly missing with all but one that glanced off of Alaniz's left
24 thigh causing no injury, leaving not even a mark.

25 26. Next, Defendant Wright arrived. He had no formal training in CIT.
26 He carried OC, a baton; and his .45 caliber Glock 21 semi-automatic handgun.
27 He had not been certified on a Taser and therefore had not been issued one.

1 He had a Remington Model 870 less lethal shotgun and an AR 15 rifle, both
2 of which he left in his vehicle and never retrieved.

3 27. Approximately 16 seconds after exiting his vehicle and less than
4 6 seconds after entering the vacant lot in which the confrontation among
5 Alaniz, Flanagan and Zambrano was ongoing, Wright took it upon himself to
6 open fire at Zambrano who turned around to flee north across West Lewis
7 Street. Most likely Wright's second shot pierced Zambrano's right arm from
8 behind to then lodge in the right side of his chest. As Wright opened fire,
9 Flanagan immediately followed with three shots of his own, apparently none
10 of which struck Zambrano, as he fled across the street. One of Flanagan's
11 shots did dangerously find its way into a pop cooler inside of an occupied
12 service station on the NE corner of the intersection. Alaniz did not fire his
13 weapon. However, the three defendant officers gave pursuit.

14 28. Once across the street, Zambrano turned to his left, westbound
15 on the north sidewalk of Lewis Street, with the defendants in close pursuit.
16 After trotting several yards bleeding from the wound in his right arm and the
17 bullet in his chest, he turned to surrender to his pursuers by facing them
18 while raising both his hands well extended in front of him. At the moment of
19 his surrender, Zambrano was not engaging in any aggressive or threatening
20 action. From the initial shot fired by Wright in the first volley, Zambrano never
21 threw another rock. When surrendering, he did not engage in any action that
22 could even remotely be perceived as preparing to throw another rock. He
23 certainly did not bring back either hand or arm as though commencing a
24 throwing motion.

25 29. At this precise point in time, the three defendant officers were
26 well staggered at some distance following behind Zambrano. Wright was in
27 the lead with Alaniz following a few yards behind and to Wright's left, while
28 Flanagan was well off the sidewalk, south into the street. At no point were

1 these three defendants abreast of each other on the sidewalk as Wright and
2 Alaniz falsely maintained in extensively prepared statements months later.

3 30. Defendant Wright was once again the first to fire in a second
4 volley of 12 shots. Wright continued to fire another 4 rounds for a total of 5
5 in this second volley. Again following Wrights lead, Flanagan fired no less
6 than 6 shots at a collapsing Zambrano. Finally, for the first time, Alaniz saw
7 fit to fire 1 round. Including both volleys, a total of 17 shots were fired, 7 by
8 Wright, 9 by Flanagan, and 1 by Alaniz.

9 31. The likely lethal round in the final volley blasted into Zambrano's
10 jaw, severing his carotid artery, coming to rest in his 7th cervical vertebra
11 after having partially severed his spinal cord.

12 32. These three defendant police officers refused to render any
13 medical aid whatsoever to their dying victim. Instead, Alaniz made the callous
14 decision to handcuff an unconscious Zambrano as he lay face down on the
15 sidewalk bleeding to death. He noted Zambrano still had a pulse, but he died
16 within a few minutes. These last few moments of Zambrano's life were filled
17 with pre-death psychological terror and extreme physical pain.

18 33. It is readily apparent from the above stated facts these three
19 defendant police officers had not received adequate training in Crisis
20 Intervention, nor had they been properly trained in the effective use of the
21 several less or non-lethal means of subduing mentally disturbed subjects that
22 were at their disposal such as OC spray, batons, Tasers, and less lethal
23 shotguns.

24 34. They did not understand the effective range of the OC spray,
25 which Zambrano was well within on several occasions. Wright had not been
26 certified on Tasers and consequently was not even carrying one. Neither
27 Alaniz nor Flanagan carried additional cartridges to reload if a miss or
28 malfunction occurred. Flanagan's less lethal shotgun was missing from his

1 vehicle. Both Alaniz and Wright left theirs in their vehicles and did not even
2 consider retrieving the weapons designed for just such a situation even
3 though there were two other officers present who could have contained
4 Zambrano. He had not attempted to depart the vacant lot they were all in on
5 the SW corner of the intersection. Never did Zambrano injure any of the three
6 officers, nor had he threatened anyone else after Alaniz's arrival several
7 minutes before.

8 35. The Pasco Police Department, under the direction of their Chief
9 of Police, Defendant Robert Metzger, instantly began a process aimed at
10 justifying these three defendant police officers' use of deadly force, which
11 would ultimately conclude in the Chief's complete approval and full ratification
12 of killing Zambrano.

13 36. None of these three police officers were questioned until several
14 months later. Alaniz was eventually questioned on April 30, 2015, some 79
15 days later. Flanagan was questioned on May 7, 2015 – 86 days after the
16 incident. Finally Wright was questioned on May 8, 2015 – 87 days later.

17 37. In the interim, they all retained attorneys who thoroughly
18 prepared them and were in attendance when they were questioned. Prior to
19 their statements, they were supplied with confidential investigative
20 information such as photos, videos, and *"total station"* depictions.
21 Information about the total number of rounds was supplied to at least Alaniz.

22 38. Further, contrary to their false assertions, they did confer with
23 each other. In his statement Flanagan let slip that Alaniz had told him what
24 Zambrano had been saying in Spanish at the time of the incident. Flanagan
25 also revealed that Alaniz had later told him that Alaniz had clearly heard
26 Flanagan say: *"If you throw another rock, I will shoot you"* to Zambrano.

27 39. Both Wright and Alaniz inaccurately characterized the proximity
28 of the three defendant police officers to each other when they commenced

1 the second volley of shots as so close it would have been impossible to avoid
2 a rock hitting one of them, had Zambrano thrown one.

3 40. At the end of the investigation on September 23, 2015,
4 Defendant Robert Metzger, acting in his official capacity as Pasco Chief of
5 Police decided to return Alaniz and Wright (Flanagan had resigned) to active
6 duty stating: *"We have exhaustively reviewed this incident, and my decision
7 to return the officers to duty was founded on the determination that their
8 actions were consistent with Department policies and procedures..."* Indeed,
9 the lack of proper training in Crisis Intervention and the effective use of less
10 or non-lethal means to subdue mentally disturbed persons was such a
11 persistent official policy that it did in fact constitute permanent and well
12 settled standard operating procedures of the City of Pasco.

13 41. Thus, Defendant Police Chief Metzger acting in his official capacity
14 as a final policy maker, for the City of Pasco on police department matters,
15 specifically approved and fully ratified the acts of the three defendant police
16 officers in their resort to deadly force in killing Zambrano.

17 **V. RESERVATION**

18 42. Plaintiffs' investigation remains ongoing. Discovery may
19 reveal additional causes of action against these defendants or establish
20 that other, so far unnamed, persons or entities may also have been at
21 fault in this incident.

22 43. Further, the exact nature and full extent of plaintiffs' injuries
23 and damages are unknown, they may have additional claims and/or
24 causes of action.

25 44. To the extent the Court will allow, Plaintiffs reserve the right to
26 subsequently amend this complaint accordingly.

27 **VI. ALL CAUSES OF ACTION**

28 45. All facts alleged in every paragraph above are incorporated into

1 every cause of action alleged hereinafter as though they were fully set forth.

2 46. All the acts of every defendant constituting each cause of action
3 were taken *under color of law* in that they were done in performance of their
4 official duties as City of Pasco police officers. In so doing, they acted, or
5 purported to act, under state, county, or municipal law when they shot to death
6 Antonio Zambrano Montes.

7 47. The acts of the defendants constituting every cause of action below
8 proximately caused damages suffered by these plaintiffs as described below.

9 48. The acts of the defendants amounted to a reckless or callous
10 indifference to federally protected rights of the decedent. Therefore, these
11 plaintiffs are entitled to punitive damages.

12 49. Under 42 USC §1988, Plaintiffs are entitled to attorney fees.

13 **VII. FIRST CAUSE OF ACTION**

14 **(42 USC §1983 – 4th Amendment & RCW 4.20.010)**

15 50. This cause of action is brought by Agapita Montes Rivera in
16 her capacity as Personal Representative and on behalf of the Estate of
17 Antonio Zambrano Montes against all defendants.

18 51. Defendant Pasco police officers Wright, Flanagan, and Alaniz's
19 resort to the use of deadly force in killing Zambrano was excessive and
20 unnecessary. It was objectively unreasonable under all the surrounding
21 circumstances.

22 52. Said killing was done in conformance with a persistent and
23 widespread official policy that constituted a permanent and well settled
24 standard operating procedure by the City of Pasco as supervised and
25 controlled by its *final policy maker*, Defendant Police Chief Metzger, whereby
26 Pasco police officers routinely were inadequately trained in Crisis Intervention
27 in dealing with mentally disturbed persons such as de-escalation techniques,
28

1 less or non-lethal weapons and tactics, and the decision making process that
2 should accompany use of lethal force.

3 53. Defendant Police Chief Metzger acting in his official capacity as a
4 *final policy maker*, for the City of Pasco on police department matters, failed
5 to correct said policy and procedures and then deliberately and expressively
6 approved and fully ratified the acts of the three defendant police officers
7 regarding their dealing with Zambrano and their eventual resort to use of
8 deadly force in killing him.

9 54. The acts, or failure to act, of these defendants constituted a
10 reckless and/or callous indifference to the constitutional rights of Zambrano
11 under the U.S. Constitution's 4th Amendment.

12 55. Thus, the taking of Zambrano's life constituted a violation of
13 the U.S. Constitution's 4th Amendment prohibition of unreasonable seizure
14 of his person rendering all the defendants liable for a violation of 42 USC
15 §1983 and as further provided for in RCW 4.20.010, et Seq.

16 **VIII. SECOND CAUSE OF ACTION**

17 **(42 USC §1983 – 4th Amendment & RCW 4.20.046, 060)**

18 56. This cause of action is brought by Agapita Montes Rivera in
19 her capacity as Personal Representative on behalf of the Estate of Antonio
20 Zambrano Montes against all defendants.

21 57. Defendant Pasco police officers Wright, Flanagan, and Alaniz's
22 resort to the use of deadly force in killing Zambrano was excessive and
23 unnecessary. It was objectively unreasonable under all the surrounding
24 circumstances.

25 58. Said killing was executed in conformance with a persistent and
26 widespread official policy that constituted a permanent and well settled
27 standard operating procedure by the City of Pasco as supervised and
28 controlled by its *final policy maker*, Defendant Police Chief Metzger whereby

1 Pasco police officers routinely were inadequately trained in Crisis Intervention
2 in dealing with mentally disturbed persons such as de-escalation techniques,
3 non or less lethal tactics, and the decision making process that should
4 accompany use of lethal force.

5 59. Defendant Police Chief Metzger acting in his official capacity as a
6 *final policy maker*, for the City of Pasco on police department matters, failed
7 to correct said policy and procedures and then deliberately and expressively
8 approved and fully ratified the acts of the three defendant police officers
9 regarding their dealing with Zambrano and their eventual resort to use of
10 deadly force in killing him.

11 60. The acts, or failure to act, of these defendants constituted a
12 reckless or callous indifference to the constitutional rights of Zambrano under
13 the U.S. Constitution's 4th Amendment.

14 61. Before his death, Zambrano was subjected to horrible infliction of
15 emotional pre-death fright and terror as he was pursued like a hunted animal
16 being shot at 17 times while suffering 7-8 wounds.

17 62. This attack upon Zambrano's person in the last few moments
18 of his life before his virtual execution constituted an assault and the tort
19 of outrage in violation of the U.S. Constitution's 4th Amendment
20 prohibition of unreasonable seizure of his person, which renders the
21 defendants liable for a violation of 42 USC §1983 and as preserved in
22 Washington State Survival statutes found in RCW 4.20.046 and 4.20.060.

23 **IX. THIRD CAUSE OF ACTION**

24 **(42 USC §1983 – 14th Amendment & RCW 4.24.010)**

25 63. This cause of action is brought by Agapita Montes Rivera and
26 Jesus Zambrano Fernandez in their individual capacities as the parents of
27 Zambrano against all defendants. They were significantly dependent upon
28 their son financially.

1 damages as described in the following paragraphs.

2 70. Zambrano's Estate suffered economic damages in funeral expenses
3 and loss of net accumulations to his estate.

4 71. Zambrano's two minor daughters also suffered economic
5 damages in loss of money, support, goods, and services they would have
6 received from their father up to the present time and in the future had
7 Zambrano continued to live.

8 72. Zambrano's two minor daughters suffered noneconomic damages
9 in loss of their father's love, care, companionship, and guidance, including mutual
10 society and protection, and the destruction of the child-parent relationship
11 between his minor daughters and Zambrano, including the grief, mental
12 anguish, and suffering of these daughters as a result of Zambrano's death.

13 73. The Estate also suffered noneconomic damages in the pain,
14 suffering, anxiety, emotional distress, humiliation, and fear experienced by
15 Zambrano prior to his death.

16 74. Agapita Montes Rivera and Jesus Zambrano Fernandez, the
17 natural parents of Zambrano suffered economic damages in loss of money,
18 support, goods, and services they would have received from their son up to
19 the present time and in the future had Zambrano continued to live.

20 75. Agapita Montes Rivera and Jesus Zambrano Fernandez, the
21 natural parents of Zambrano also suffered noneconomic damages in the loss
22 of their son's love, care, companionship, including mutual society and protection,
23 guidance and the destruction of the parent-child relationship between
24 Zambrano and his parents, including the grief, mental anguish, and suffering
25 of these parents as a result of Zambrano's death.

26 **XI. PRAYER FOR RELIEF**

27 76. **WHEREFORE**, plaintiffs pray for judgment against
28 defendants awarding plaintiffs the following, the exact nature and full

