

FTCA ADMINISTRATIVE CLAIMS
IN RE: MARY FRANCES DELORENZO KNIGHT

v.

UNITED STATES OF AMERICA
(DEPARTMENT OF NAVY,
DEPARTMENT OF VETERANS AFFAIRS)

ADMINISTRATIVE CLAIMS PURSUANT TO THE FEDERAL TORT
CLAIMS ACT AGAINST THE UNITED STATES DEPARTMENT OF THE
NAVY AND UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
FOR WRONGFUL DEATH OF "WASHINGTON NAVY YARD SHOOTING"
VICTIM MARY FRANCES DELORENZO KNIGHT ON SEPTEMBER 16, 2013
AT NAVAL SEA SYSTEMS COMMAND HEADQUARTERS,
WASHINGTON DC.

SUBMITTED TO:

United States Department of the Navy
Ray Mabus, Secretary of the Navy
Office of the Judge Advocate General
Tort Claims Unit Norfolk
9620 Maryland Avenue, Suite 205
Norfolk, VA 23511-2949

United States Department of Veterans Affairs
Gen. Eric Shinseki, USA.(Ret.), Secretary
U.S. Department of Veterans Affairs
Newark Regional Office
20 Washington Place
Newark , NJ 07102

CLAIMANTS:

1. The Estate of Mary Frances Delorenzo Knight by and through Personal Representative Patricia Delorenzo.

Patricia Delorenzo is the sister of Mary Frances Delorenzo Knight.

Patricia Delorenzo was appointed Personal Representative of the estate of deceased Mary Frances Delorenzo Knight by the Fairfax County, Virginia Probate Court.

2. Nicole Delorenzo Shuck, eldest daughter of Mary Frances Delorenzo Knight

3. Danielle Delorenzo, youngest daughter of Mary Frances Delorenzo Knight

CLAIMS SUBMITTED BY:

Sidney L. Matthew
Post Office Box 7154
Tallahassee, Florida 32302

Justin Givens
Post Office Box 181085
Tallahassee, Florida 32318

Clifford S. Gibbons
Gibbons & Company, LLC
Washington, D.C.
P.O. Box 1133
McLean, Virginia 22101

AMOUNTS OF CLAIMS:

Each claimant seeks \$12,500,000.00 (Twelve and one half million dollars)

The aggregate sum certain sought by all claimants is \$37,500,000.00 (Thirty-seven million five hundred thousand dollars)

BASIS OF CLAIMS:

1. These claims for wrongful death of Mary Frances Delorenzo Knight arise under the Federal Tort Claims Act (Title 28 United States Code §2671), the Wrongful Death Act of the District of Columbia (D.C. Code §16 – 2701 et seq.) (personal representative); DC Code §12 – 101 et seq.) (next of kin); United States Constitution, Fifth Amendment (rights to life and property) from numerous grossly negligent and negligent actions and omissions which directly, proximately and foreseeably caused the wrongful death of Mary Frances Delorenzo Knight.

2. Deceased Mary Frances Delorenzo Knight was 51 years old at the time of her wrongful death. Ms. Knight was divorced and the mother of Danielle (20 years old) and Nicole (25 years old). Ms. Knight was born in Germany to Green Beret Lt. Col. Thomas Knight and Lilly Delorenzo of Trieste, Italy. The Delorenzo family moved to Fayetteville, North Carolina where Col. Knight taught military science at Fort Bragg. Mary Frances attended Seventy-first

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High School and obtained a Bachelors Degree from Campbell University in North Carolina and Masters Degree in Computer Science from Webster University in Missouri. She worked as a Computer Technician for the Fayetteville Police Department. Mary Frances later became an expert in cyber security after she moved to Reston, Virginia and began working for the Naval Sea Systems Command at the Washington Navy Yard. She achieved the highest possible pay grade of GS-15 in the General Schedule pay scale and taught computer science management at Northern Virginia Community College.

THE EXPERTS, INC.

3. THE EXPERTS, Inc., is a Limited Liability Corporation organized June 29, 1998, under Chapter 607, Florida Statutes and whose principal place of business is 2400 E. Commercial Blvd. Suite 420, Fort Lauderdale, Broward County, Florida. The Chief Executive Officer is Thomas E. Hoshko. The Chief Operating Officer and Registered Agent is Thomas P. Hoshko. The Company was formerly known as Expert Resources Inc.

4. For the past six years THE EXPERTS, Inc. has been a party to subcontracts with Hewlett-Packard (HP) (and its subsidiary company Electronic Data Systems (EDS), providing services through 250 employees on HP contracted projects with the Department of Defense (DoD) and the Department of the Navy at

the Washington Navy Yard and throughout the world. The companies Federal Solutions Division (FSD) was established in 2002 in Alexandria, Virginia as a provider of mission critical Information Technology (IT), engineering and litigation professional services for Federal, state and local governments.

5. THE EXPERTS, Inc., employed Aaron Alexis for six months during 2013 next preceding his shooting of Mary Frances Delorenzo Knight, and during which time employee Alexis was subjected to two background investigations by THE EXPERTS, INC. THE EXPERTS, INC. received two confirmations of Alexis' secret government security clearances through the U.S. Department of Defense (DoD), the last background check and security clearance confirmation was in late June 2013 which revealed only one minor traffic violation.

6. Hewlett-Packard Company-(HP) is a corporation organized and existing pursuant to the laws of Delaware with corporate headquarters at 3000 Hanover Street, Palo Alto, CA 94304. Defendant HP is a multinational information technology Corporation specializing in developing and manufacturing computing, data storage networking hardware, designing software and delivering computer-based services. Defendant HP has provided services in the area of data privacy and security working directly with the United States Congress, the Federal Trade

Commission (FTC) and the Department of Defense. At all times material hereto, HP had a contract with the Department of Defense to provide services to the Washington Navy Yard. Further, for six years preceding the shooting of Mary Frances Delorenzo Knight, Defendant HP had a subcontract with THE EXPERTS, INC., to provide services to the U.S. Department of Defense at the Washington Navy Yard where deceased Mary Frances Delorenzo Knight also worked.

U.S. INVESTIGATIONS SERVICES INC. (USIS)

7. U.S. Investigations Services Inc. (USIS) is corporation organized and existing pursuant to the laws of the State of Virginia and whose principal place of business is 7799 Leesburg Pike, Suite 1100 North, Falls Church, Virginia 22043-2413. The company was originally known as U.S. Investigations Services and it served previously as the investigative branch of the United States Office of Personnel Management (OPM) until it was privatized in 1996. The company conducts background security checks through contracts with OPM. As of June 2013, USIS had over 100 Federal contracts and conducted background security checks for over 95 Federal agencies. As of 2013, the company is the largest background security check provider of the United States Government. USIS is a subsidiary of Altegrity, Inc., a company headquartered in Falls Church, Virginia and owned by Providence Equity Partners, a private equity firm. In 2008

USIS had over 2,000 employees working in the greater Washington, D.C. area. In Fiscal Year 2012, USIS received \$253 million for its contract work with OPM which comprised 67% of OPM's contract spending for that fiscal year.

8. USIS has been under Federal investigation by the United States Senate Homeland Security and Governmental Affairs Committee and the Office of Inspector General arising from its defective background government security clearance check of Edward Snowden who unlawfully leaked classified National Security Agency (NSA) government documents in June 2013.

9. Aaron Alexis was investigated by USIS in 2007 for reliance by the Federal government prior to the issuance of a "secret" government security clearance to Alexis.

10. A security clearance investigation is an inquiry into an individual's loyalty, character, trustworthiness and reliability to ensure that he or she is eligible for access to national security information. The investigation focuses on an individual's character and conduct, emphasizing such factors as honesty, trustworthiness, reliability, financial responsibility, criminal activity, emotional stability, and other similar and pertinent areas. All investigations consist of checks of national records and credit checks. Some investigations also include interviews with individuals who know the candidate for the clearance as well as the candidate

himself/herself. In the military all classified information is divided into one of three categories: confidential, secret and top-secret. Conditions that could raise security concerns include emotional mental and personality disorders, a pattern of high risk irresponsible aggressive antisocial or emotionally unstable behavior and allegations of criminal conduct regardless of whether the person was formally charged.

NAVAL SEA SYSTEMS COMMAND HEADQUARTERS (NAVSEA)

11. Deceased Mary Frances Delorenzo Knight worked for the U.S. Naval Sea Systems Command at the Washington Navy Yard.

12. The Washington Navy Yard is a secure facility requiring top-level security clearance as a condition to accessing the facility.

13. Deceased Mary Frances Delorenzo Knight was granted a secret security clearance to access the Washington Navy Yard.

14. Deceased Mary Frances Delorenzo Knight had a reasonable expectation that all other persons who accessed the Washington Navy Yard where she worked also had been vetted, were safe, and no persons would be granted access to the secured Navy Yard who posed a risk of reasonably foreseeable harm and/or death to her and the safety of fellow employees on the premises.

15. The Department of Navy and the Department of Veterans' Affairs each had a non-delegable duty to maintain a safe workplace at the Washington Navy Yard. This duty was owed by the Department of Navy and the Department of Veterans' Affairs to all persons who accessed the Washington Navy Yard and had a reasonable expectation that the premises were secure from reasonably foreseeable risks of harm and/or death

16. The non-delegable duty of the Department of Navy and the Department of Veterans' Affairs included the obligation to conduct a reasonable preemptive investigation of any and all employees permitted to access the Washington Navy Yard to determine whether they posed a reasonably foreseeable risk of harm and/or death to the safety of fellow employees on the premises before the employees were permitted access to the premises.

SHOOTER AARON ALEXIS

17. On September 16, 2013, Aaron Alexis presented a reasonably foreseeable unreasonable risk of harm and/or death to the safety of employees at the Washington Navy Yard which was foreseeable by both the Department of Navy and the Department of Veterans' Affairs.

RED FLAGS ON ALEXIS

18. On and prior to Aaron Alexis gaining access to the Washington Navy Yard on September 16, 2013, the Department of Navy and the Department of Veterans' Affairs and each of them knew or reasonably should have known the following facts which posed a reasonably foreseeable risk of harm and/or death to the safety of employees on the premises including:

a. Aaron Alexis was not qualified to possess a secret security clearance.

b. Aaron Alexis posed a reasonably foreseeable risk of harm and/or death to the safety of fellow employees.

c. Aaron Alexis had exhibited a pattern of high risk irresponsible, aggressive, antisocial and emotionally unstable behavior.

d. Aaron Alexis had demonstrated a history or pattern of criminal activity that created doubt about his judgment reliability and trustworthiness.

ALEXIS' FIRST ARREST

e. In 2004, Aaron Alexis shot the rear tires of the vehicle owned by a construction worker doing work in the Seattle neighborhood where Alexis lived. Alexis told police he had an anger fueled "blackout" and that his rampage was prompted by his fellow workers who "mocked" and "disrespected" him. See

Exhibit 1, attached hereto and entitled Seattle Police Department "incident report" dated May 6, 2004.

f. Aaron Alexis' father told New York police that Alexis had angered management problems associated with Post-Traumatic Stress Syndrome (PTSD).

g. From 2008 to 2011, Aaron Alexis served with Fleet Logistics Support Squadron 46 at the Naval Air Station Joint Reserve Base Fort Worth, Texas. Alexis was an Aviation Electrician's Mate Third Class who worked on C-40's, a military version of the Boeing 737 that the Navy uses as a cargo plane.

ALEXIS' SECOND ARREST

h. On September 23, 2008, Alexis received a Non-Judicial Punishment for unauthorized absence that included forfeiture of one-half day of pay per month for two months and a reduction of one pay grade. Both were suspended. Alexis was absent because he was in jail August 10-11 in DeKalb County, GA., following an arrest for disorderly conduct outside a nightclub. The incident stayed on his service record from that date forward.

i. On July 12, 2009, Alexis received a second non-judicial punishment for being drunk and disorderly and was reduced one pay grade. This Non-Judicial Punishment was due to Alexis leaping off stairs and breaking his

ankle while reportedly intoxicated. There was no police involvement. Alexis appealed.

ALEXIS' THIRD ARREST

j. On September 5, 2010, Alexis was arrested in Fort Worth, TX. for discharging a firearm in his residence the previous day. According to law enforcement documents, Alexis said he accidentally discharged the firearm while cleaning it. No charges were filed. After his arrest, Alexis' Commanding Officer initiated proceedings to administratively separate him from the Navy. But when Alexis was not charged for unlawfully discharging a firearm, the proceedings were halted.

NAVY FAILURE TO COMPEL ALEXIS' DISCHARGE

k. On December 2, 2010, Alexis requested separation from the Navy under a program that allowed sailors to request an early release.

l. On December 9, 2010, the Bureau of Naval Personnel approved Alexis' request for separation.

m. On January 31, 2011, Alexis received an Honorable Discharge from the United States Navy with the most favorable re-entry code.

n. On February 22, 2011, Alexis was issued a Navy Reserve Identification and Privilege Card.

ALEXIS' KNOWN MENTAL DELUSIONS/INSTABILITY

o. During 2012, while Alexis was working for THE EXPERTS, INC., he constantly and angrily complained that the company had not paid him in weeks and that he was having trouble paying for his car to be fixed.

p. In July 2013, after Alexis frightened guests at his hotel while on a job in Rhode Island, a front desk clerk made this entry in the front desk log: "Brenda from The Experts Inc., called...she explained that he is unstable and the company is bringing him home." By mid August, rather than being home in Texas, Alexis was in the Washington area still with secret security clearance.

q. On August 7, 2013, a city of Newport, Rhode Island police report showed that Alexis told police he was hearing voices in a hotel while they are on a business trip. He also reported that he was being "zapped" with microwaves from unseen adversaries trying to prevent him from sleeping.

r. Before September 2013, Alexis had been sent by THE EXPERTS, INC., to military installations in Little Creek Virginia, Newport, Rhode Island, Cherry Point North Carolina and later to the Washington, D.C. area.

s. THE EXPERTS, INC., acknowledged that it took Alexis off his Newport, Rhode Island, assignment "for a few days rest" after he reported that he was hearing voices and being bombarded with microwaves. The company moved

Alexis from hotel to hotel but did not have Alexis professionally evaluated by psychiatrists. Eventually, the company allowed him to return to work even though he demonstrated these psychotic behaviors and never received treatment for them.

FAILURE OF VETERANS ADMINISTRATION TO DIAGNOSE AND
HOSPITALIZE ALEXIS

t. On August 23, 2013, Aaron Alexis sought assistance for mental illness from the Department of Veterans Affairs (VA). Alexis reported symptoms of paranoia including hearing voices, prior violent episodes and sleep deprivation. The VA negligently failed to diagnose, treat and hospitalize Alexis for his mental illness.

u. Pursuant to his employment Alexis was assigned to a project at the Naval Sea Systems Command Headquarters located in the Washington Navy Yard and he arrived in the Washington, D.C., area on August 25, 2013. From August 25 to August 31, 2013, Alexis stayed at a hotel in Bethesda, Maryland. From August 31 to September 7, 2013, Alexis stayed at a hotel in the Pentagon City area of Arlington, VA. On September 7, Alexis moved to the Residence Inn in Southwest p Washington, D.C., where he remained through September 16, 2013. Alexis began working at the Naval Sea Systems Command Headquarters in the Washington Navy Yard on September 9, 2013.

ALEXIS' KNOWN DELUSIONAL BEHAVIOR

v. THE EXPERTS knew that Alexis held a delusional belief that he was being controlled or influenced by low-frequency electromagnetic waves.

w. On September 14, 2013, two days before the shooting, Alexis bought a shotgun at Sharpshooters Small Arms Range in Lorton, Virginia. Alexis carved into the gun the words "my ELF weapon" and "end to the torment!" ELF refers to "extremely low-frequency" in Navy submarine communications.

19. On the morning of Monday, September 16, 2013, Alexis arrived at the Washington Navy Yard. Alexis had legitimate access to the Navy Yard as a result of his work as a contractor and he utilized a valid pass to gain entry to Building No. #197. Shortly after his arrival in the building and over the course of approximately one hour, Alexis used the Remington 870 shotgun and a Beretta handgun he obtained during the course of the his shooting to kill 12 victims and wound four surviving victims before he was shot and killed by law enforcement officers. Investigation to date has determined that Alexis acted alone.

WASHINGTON NAVY YARD SHOOTINGS

20. The following timeline details Alexis' activity during the morning of September 16, 2013:

a. 7:53 a.m. – Alexis' rental car, a blue Toyota Prius with New York plates, entered Parking Garage No. #28 at the Washington Navy Yard, located directly across from Building No. #197.

b. 8:08 a.m. – Alexis exited Parking Garage No. #28 on foot carrying a backpack. Alexis entered Building No. #197 and proceeded to the elevator.

c. 8:09 a.m. – Alexis exited the Elevator on the fourth floor and entered the Men's Room carrying a backpack and clipboard.

d. 8:15 a.m. – Alexis crossed the hallway into the 4 West area of Building No. #197 with shotgun, but without the backpack or clipboard.

e. 8:16 a.m. – Alexis shot the first victim in the 4 West area of Building No. #197.

f. 8:17 a.m. – First 911 call is received from the fourth floor of Building No. #197.

g. 8:20 a.m. – Alexis left the fourth floor using the stairs and entered the third floor.

- h. 8:28 a.m. – Alexis appeared on the first floor
- i. 8:57 a.m. – Alexis returned to the third floor
- j. 9:25 a.m. – Law Enforcement shoot and killed Alexis on the third floor.

21. Both weapons used by Alexis were recovered at the scene and have been submitted to the FBI Laboratory for forensic analysis. The Remington 870 had been altered with a sawed off barrel and stock. Purple duct tape covered the end of the stock and handwritten etchings were present on various parts of the shotgun. Etched into the barrel of the shotgun were the words “End to the torment!” Etched into the right side of the shotgun receiver were the words “Not what yall say!” and etched into the left side of the receive were the phrases “Better off this way!” and “My ELF weapon!”

ALEXIS’ DELUSIONAL RED FLAGS

22. There are multiple indicators that Alexis held a delusional belief that he was being controlled or influenced by extremely low frequency (ELF) electromagnetic waves. The etching of “My ELF weapon!” on the left side of the received of the Remington 870 shotgun is believed to reference these electromagnetic waves. In addition, a document retrieved from his electronic media stated, “Ultra low frequency attack is what I’ve been subject to for the last 3

months, and to be perfectly honest that is what has driven me to this.”

23. ELF technology was a legitimate program for Navy sub-tonal submarine communications; however, conspiracy theories exist which misinterpret its application as the weaponization of remote neural frequencies for government monitoring and manipulation of unsuspecting citizens.

UNITED STATES OF AMERICA NEGLIGENCE

24. The murder of Mary Frances Delorenzo Knight was directly and foreseeably caused by the negligent performance of nondiscretionary functions by the Department of the Navy and the Department of Veterans’ Affairs including but not limited to negligent hiring, negligent supervision, negligent retention, negligent discharge, negligent investigation, medical malpractice, negligent failure to prosecute and such other and further causes of action that arise out of these same operative facts and circumstances.

25. Some of the negligent acts and omissions by the Department of the Navy occurred prior to shooter Aaron Alexis' enlistment in the U.S. Naval Reserve on May 5, 2007 at the United States Military Entrance Processing Station (MEPS) in Brooklyn, NY. Prior to that time the Department of the Navy knew or reasonably should have known that shooter Aaron Alexis could foreseeably engage in acts of malicious shooting violence leading to injury or death. For instance, three

years prior to his enlistment, Alexis was arrested in Seattle, WA and charged with malicious mischief shooting the tires of a construction workers vehicle on June 3, 2004.

26. Some of the Department of the Navy's negligent acts and omissions occurred after shooter Aaron Alexis' was discharged on January 31, 2011 by the Bureau of Naval Personnel. For instance, Alexis was arrested on September 5, 2010 in Fort Worth, Texas for going into a rage and firing a shotgun through the ceiling of his apartment because the resident upstairs was disturbing him. After his arrest Alexis' Commanding Officer initiated proceedings to administratively separate him from the U.S. Navy. However when Alexis was not charged for unlawfully discharging the firearm, the proceedings were halted and Alexis received no discipline or mental evaluation. Instead, the Department of the Navy issued him the most favorable reentry code (an honorable discharge) and on February 22, 2011 issued Alexis a U.S. Naval Reserve Identification and Privilege Card.

CLAIMANT CIVILIAN EMPLOYEE OF THE DEPARTMENT OF THE NAVY

27. At all times material hereto, Mary Frances Delorenzo Knight was a civilian and not a member of the United States Armed Forces. Accordingly the "Feres Doctrine" of Feres v. United States, 340 U.S. 135 (1950) (actions by

military personnel for injury sustained "incident to service" are barred under the FTCA) does not apply to this case and does not bar this claim.

SHOOTER ALEXIS CIVILIAN EMPLOYEE OF THE EXPERTS

28. At all times material hereto, shooter Aaron Alexis was not a member of the United States Armed Forces acting within the scope of his office or employment. Nor was Alexis a civilian government employee Aaron Alexis' intentional shooting of Mary Frances Delorenzo Knight was not committed "within the scope of his federal office or federal employment." The government cannot be held liable for Aaron Alexis' acts but the government can be held liable based on its own negligence that led to Aaron Alexis' acts even if the claim arises out of the operative facts that led to Aaron Alexis' intentional tort. Accordingly, the "intentional tort exception" of the FTCA does not bar this claim and does not apply to this case which is based on the negligence of Federal employees that led to Aaron Alexis' intentional torts.

29. Claimants claims based on the negligent hiring, negligent supervision, and negligent training of Federal employees that led to Aaron Alexis' foreseeable intentional torts is also sanctioned by Sheridan v. United States, 487 U.S. 392 (1988) (the intentional tort exception does not apply to bar a suit based on the negligence of Federal employees that led to an off-duty serviceman's

intentional shooting of the victim).

FBI INVESTIGATIONS AND ONGOING INVESTIGATIONS

30. Claimants have formulated these claims based upon the information that is currently available to them including the Preliminary and Final Investigation of the Federal Bureau of Investigation released on September 25 and November 7, 2013. Claimants have not been permitted to conduct discovery and obtain additional available information in the possession of the United States Department of the Navy which claimants have a good faith belief would support their claims. Accordingly claimants expressly reserve their rights to amend their claims and/or pursue such additional legal causes of action as may fairly be supported by the evidence which subsequently comes to light. Claimants also reserve their rights to bring such actions in courts of competent jurisdiction to obtain any and all relief they are entitled to by law.

NAVY TOLD BY POLICE SHOOTER ALEXIS HALLUCINATIONS

31. In August 2013, Police officers in Newport, Rhode Island warned the U.S. Navy that Aaron Alexis was hallucinating and hearing voices, and security officials at the local Navy base where he worked promised to look into the matter.

32. Newport Police officers had faxed a copy of their report to the Newport Naval Station after Alexis told them on August 7, 2013, that he was being threatened by unseen people and feared that “some sort of microwave machine” was penetrating his body.

33. Newport Police faxed the report to the Navy an hour after the police spoke with Alexis. The Navy told the Newport Police that they would follow up on it. Navy security agents received and reviewed the police report but decided Alexis was not a threat to the institution or himself. The Navy did not try to personally interview Alexis or revoke his security clearance. Nor did the Navy contact Alexis’ employer The Experts for a status report. The Navy breached its duty to ministerially follow its own policies and procedures requiring follow up of those warning signs.

34. While in Newport, Alexis contacted human resources for his employer, The Experts, multiple times to complain about hearing voices in his hotel room. Company employees though he was referring to actual voices, and moved him to new hotels twice.

35. The Department of Veteran Affairs’ treated Alexis on August 23, 2013, in the emergency room at the VA Medical Center in Providence, R.I. “complaining of insomnia.” He was given a “small amount” of medicine to help

him sleep and instructed to see his primary care provider. Five days later he received a small refill from the emergency room at the VA Medical Center in Washington.

CAUSES OF ACTIONABLE NEGLIGENCE AGAINST THE NAVY

36. The Department of Navy had a non-delegable duty to keep the Washington Navy Yard safe from unreasonable risk of harm by:

a. Recognizing that the Washington Navy Yard is located in a "high risk" area of DC.

b. Recognizing that the Washington Navy Yard is located in an area which experiences a high rate of "outdoor gunshot incidents" each year for the past eight years (see attachment).

c. Recognizing the necessity for electronic magnetic security screening for weapons as a condition of entry including reasonable searches of vehicles, personnel and baggage.

d. Recognizing that shooter Alexis posed an unreasonable risk of harm to others because of his prior arrests for dangerous discharge of firearms while he was a Navy serviceman.

e. Recognizing that shooter Alexis posed an unreasonable risk of harm to others by failing to separate Alexis from the Navy without an honorable

discharge and without the most favorable reentry code; thereby to keep the Washington Navy Yard safe from unreasonable risk of harm allowing Alexis to obtain a subsequent secret security clearance.

f. Recognizing that shooter Alexis posed an unreasonable risk of harm to others by accessing the Washington Navy Yard with a secret security clearance while knowing his violent history.

g. Recognizing that shooter Alexis posed an unreasonable risk of harm to others at the Washington Navy Yard after his discharge from the Navy when Police in Newport, Rhode Island specifically warned the Navy on August 7, 2013, by written report that Alexis was hallucinating and experiencing psychotic episodes including hearing voices and being threatened by a "microwave machine" attacking his body

h. Recognizing that shooter Alexis posed an unreasonable risk of harm to others at the Washington Navy Yard by shooter Alexis reporting to medical personnel at the VA medical center on August 23, 2013, and thereafter that he was experiencing psychotic episodes and sleep deprivation

37. The Department of Navy was negligent by breaching its non-delegable duty to keep the Washington Navy Yard safe from unreasonable risk of harm by:

a. Failing to recognize that shooter Alexis presented a reasonably foreseeable risk of harm and/or death by allowing him to access the Washington Navy Yard with a secret security clearance without a reasonable weapons check while knowing his violent past history with weapons violations arrests.

b. Failing to recognize that the three prior arrests of shooter Alexis involving gun violence were red flags warning the Navy that shooter Alexis posed an unreasonable risk of harm to others at the Washington Navy Yard.

c. Failing to recognize that shooter Alexis posed an unreasonable risk of harm to others at the Washington Navy Yard when Police in Rhode Island warned the Navy in August 2013 that Alexis was hallucinating and experiencing psychotic episodes including hearing voices and being threatened by a "microwave machine" attacking his body.

d. Failing to recognize that shooter Alexis posed an unreasonable risk of harm to others at the Washington Navy Yard when shooter Alexis reported to the medical personnel at the VA Medical Center on and after August 23, 2013 that he was experiencing psychotic episodes and sleep deprivation.

e. Failing to recognize that shooter Alexis posed an unreasonable risk of harm to others at the Washington Navy Yard when he was granted access on September 16, 2013, without an electronic security screening or equivalent

search for weapons as a condition of entry.

38. The Department of Navy was negligent by breaching its non-delegable duty to keep the Washington Navy Yard safe from unreasonable risk of harm by:

a. Allowing shooter Alexis access to the Washington Navy Yard on September 16, 2013, presenting a secret security clearance without a weapons check while knowing his dangerous violent history of arrests for weapons charges.

b. Allowing shooter Alexis access to the Washington Navy Yard on September 16, 2013, with a secret security clearance without a weapons check while knowing that the Police in Newport, Rhode Island expressly warned the Navy by written report on August 7, 2013, that Alexis was hallucinating and experiencing psychotic episodes including hearing voices and being threatened by a "microwave machine" attacking his body.

c. Failing to follow its own Navy policies and procedures requiring a diligent investigation into the Newport, Rhode Island police report faxed to the Navy on August 7, 2013, alleging that shooter Alexis was hallucinating and experiencing psychotic episodes including hearing voices and being threatened by a "microwave machine" attacking his body.

d. Enabling shooter Alexis to obtain a secret security clearance by separating shooter Alexis from the Navy with an honorable discharge and the most favorable reentry code despite the Navy's knowledge of shooter Alexis dangerous violent criminal arrest history on weapons charges. The Navy further neglected to report the security risk to the proper authorities to revoke the security clearance.

e. Failing to follow its own Navy policies and procedures to investigate shooter Alexis and which investigation would have revealed that on August 23, 2013, shooter Alexis reported to medical personnel at the VA Medical Center that he was experiencing psychotic episodes and sleep deprivation. Based on Alexis weapon possession discovered from this routine investigation the Navy would not have allowed shooter Alexis access to the Washington Navy Yard on September 16, 2013.

CAUSES OF ACTIONABLE NEGLIGENCE AGAINST VETERANS AFFAIRS

39. The Department of Veterans Affairs had a non-delegable duty to keep the Washington Navy Yard safe from unreasonable risk of harm by:

a. Recognizing that patient shooter Alexis posed an unreasonable risk of harm to others at his workplace (the Washington Navy Yard) when patient shooter Alexis reported to medical personnel at the VA medical center on August 23, 2013, that he was experiencing psychotic episodes and sleep deprivation.

b. Recognizing that patient shooter Alexis had the propensity to commit workplace violence when he reported to medical personnel at the VA medical center on August 23, 2013, that he was experiencing psychotic episodes and sleep deprivation.

c. Recognizing that patient shooter Alexis should be hospitalized and treated for the psychotic episodes and sleep deprivation he reported to medical personnel at the VA medical center on August 23, 2013.

d. Recognizing that patient shooter Alexis posed an unreasonable risk of harm to others if he was released from the VA medical center on August 23, 2013, without being hospitalized and treated.

e. Recognizing that patient shooter Alexis had a secret security clearance to his workplace (the Washington Navy Yard) and that he posed an unreasonable risk of harm to others at his workplace if he was released from the VA medical center on August 23, 2013, without being hospitalized and treated.

f. Recognizing that the personnel at the VA medical center should have immediately followed established VA policies and practices requiring them to contact, warn and report to security personnel at the Washington Navy Yard and those charged with supervising security clearances that patient shooter Alexis reported experiencing psychotic episodes and sleep deprivation on August 23,

2013, and posed an unreasonable risk of harm to others at his workplace.

40. The Department of Veterans Affairs breached its non-delegable duty to keep the Washington Navy Yard safe from unreasonable risk of harm by:

a. Failing to recognize that patient shooter Alexis had the propensity to commit workplace violence when he reported to medical personnel at the VA medical center on August 23, 2013, that he was experiencing psychotic episodes and sleep deprivation.

b. Failing to recognize that patient shooter Alexis posed an imminent unreasonable risk of harm to others at his workplace (the Washington Navy Yard) when patient shooter Alexis reported to medical personnel at the VA medical center on August 23, 2013, that he was experiencing psychotic episodes and sleep deprivation.

c. Failing to recognize that patient shooter Alexis posed an imminent unreasonable risk of harm to others if he was released from the VA medical center on August 23, 2013, without being hospitalized and treated.

d. Failing to recognize that patient shooter Alexis should be hospitalized and treated for psychotic episodes and sleep deprivation he reported to medical personnel at the VA medical center on August 23, 2013.

e. Failing to recognize that patient shooter Alexis Posed an imminent unreasonable risk of harm to others if he was released from the VA medical center on August 23, 2013, without being hospitalized and treated

f. Failing to recognize that patient shooter Alexis had a secret security clearance to his workplace (the Washington Navy Yard) and that he posed an imminent unreasonable risk of harm to others at his workplace if he was released by the VA medical center on August 23, 2013, without being hospitalized and treated.

g. Failing to recognize that the personnel at the VA medical center should have immediately followed established VA policies and practices requiring them to contact, warn and report to security personnel at the Washington Navy Yard and those charged with supervision of security clearances that patient shooter Alexis reported experiencing psychotic episodes and sleep deprivation on August 23, 2013, and posed an imminent unreasonable risk of harm to others at his workplace.

41. The Department of Veterans Affairs was negligent by breaching its non-delegable duty to keep the Washington Navy Yard safe from imminent unreasonable risk of harm by:

a. Releasing patient shooter Alexis from the VA medical center on August 23, 2013, without being hospitalized and treated.

b. Failing to follow established VA Policies and Practices requiring them to contact, warn and report to security personnel at the Washington Navy Yard and those in charge of supervising security clearances that patient shooter Alexis reported experiencing psychotic episodes and sleep deprivation on August 23, 2013, and posed an imminent unreasonable risk of harm to others at his workplace.

c. Failing to follow established VA Policies and Practices requiring them to contact, warn and report to military security personnel and the Navy that the holder of a secret security clearance, patient shooter Alexis, reported experiencing psychotic episodes and sleep deprivation on August 23, 2013, and posed an imminent unreasonable risk of harm to the Department of Navy and others at his workplace.

PRAYER FOR RELIEF

Claimants pray that the United States of America will:

- a. Conduct a full and comprehensive investigation into these claims;
- b. Determine that the negligent actions of the United States of America foreseeably and proximately caused the wrongful death of Mary Frances Delorenzo Knight;
- c. Determine that there is substantial competent evidence to support the claims presented herein; and
- d. Pay all compensation authorized by law to the claimants

Respectfully submitted,

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