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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ESTATE OF HORACE LORENZO  
DAESHAWN ANDERSON, by and through  
the personal representative of the Estate of  
Horace Lorenzo Daeshawn Anderson, and  
HORACE ANDERSON;

Plaintiffs,

v.

CITY OF SEATTLE, a government entity;  
JENNY ANNE DURKAN, in her official  
capacity as Mayor of the City of Seattle;  
KSHAMA SAWANT, in her official capacity  
as a member of the Seattle City Council;

DOES 1-100,

Defendants

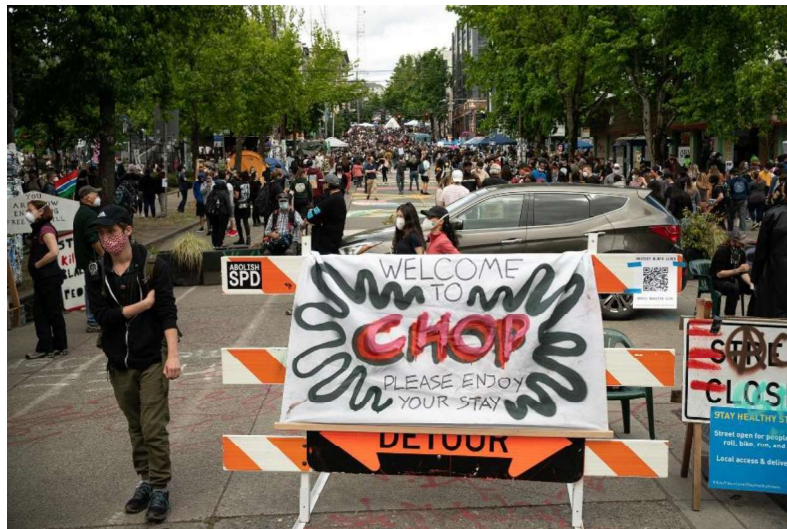
Cause No.

**PLAINTIFFS' COMPLAINT FOR  
WRONGFUL DEATH, PERSONAL  
INJURIES, ECONOMIC LOSS, AND  
OTHER RELIEF**

1 **INTRODUCTION**

2 This action is brought to seek redress and some measure of justice from the Defendants  
3 for the tragedy they caused on June 20, 2020, when 19-year old Lorenzo Anderson was shot  
4 and left to die without the assistance he was entitled to by the government. Lorenzo’s injuries  
5 directly caused by the Defendants resulted in tremendous pain and suffering before his death,  
6 leaving his family, friends, and community with an unimaginable and irreplaceable loss. Mr.  
7 Anderson’s family prays that through this lawsuit, the Defendants will be held accountable for  
8 the actions and inactions they took that resulted in the death of Lorenzo Anderson and that a  
9 process will be put into place to lessen the chances that such a thing could happen to anyone  
10 else in the future.

11 Horace Lorenzo “Lorenzo” Anderson was shot and bled out in or near the “CHOP or  
12 “CHAZ” area in the City of Seattle, which the city abandoned without a working plan to provide  
13 essential services, creating a danger.



24 After the shooting the city failed to provide medical assistance to Anderson despite  
25 knowing it was urgently needed. Furthermore, although the City directive was for the police  
26 not to enter the CHOP zone without prior permission, there was no limitation to allowing  
27

1 assistance outside of the CHOP zone. Seattle's first responders were called immediately after  
2 Lorenzo was shot, but for approximately thirty minutes Seattle Police and Fire Departments  
3 miscommunicated their locations and the procedures for providing the safety and basic care of  
4 Lorenzo. After approximately thirty minutes, the Seattle Police entered CHOP zone although  
5 Lorenzo laid bleeding outside of the zone. By that time, it was too late. Good Samaritans had  
6 taken Lorenzo to the hospital in a pickup truck. With no assistance or rescue from Seattle first  
7 responders or anyone else associated with the city, state or county of King, Lorenzo died.

8           The actions and inactions by the City of Seattle created a dangerous situation in and  
9 around the CHOP. Further, the city failed to have a plan for providing police protection, fire  
10 department protection, or any other emergency services. As a result, Anderson's Due Process  
11 Rights to be free of state-created danger as prescribed by the Washington State Constitution  
12 were disregarded. Anderson, a young boy with special needs, was lured into the CHOP area by  
13 Mayor Durkin's positive statements about the area on television. Not only did the City of  
14 Washington create the danger in CHOP by abandoning it, but city officials also lured people  
15 into the area with their public statements of encouragement.

16           The government further violated Andersons' civil rights by acting under color of state  
17 law while depriving him of his life and liberty. The City of Seattle and County of King and their  
18 actors and agents carried out outrageous conduct and encouraged the people to participate and  
19 engage in similar dangerous conduct. Crime soared in CHOP after the city abandoned the area.  
20 The City of Seattle instituted protocols and practices that emboldened the lawlessness in this  
21 zone and engaged in affirmative conduct that placed Anderson in foreseeable danger and made  
22 it difficult for emergency services to adequately respond.

23           Despite knowledge of the violence, chaos, danger, and potential danger, Seattle leaders  
24 failed Lorenzo and encouraged lawlessness to reign. The Defendants are responsible for the  
25 death of Lorenzo Anderson, a kind, friendly soul, who was an asset to his community.

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1 **I. PARTIES**

2 1.1 Horace Lorenzo “Lorenzo” Anderson is a deceased individual, who at the time  
3 of his death was under the care and custody of his father, Plaintiff Horace Anderson. The  
4 Superior Court of King County has appointed Bruce R. Moen, Esq. as the personal  
5 representative of the Estate of Horace Lorenzo Daeshawn Anderson. Bruce R. Moen, as  
6 personal representative of the Estate of Horace Lorenzo Daeshawn Anderson, brings this action  
7 on behalf of the Estate of Horace Lorenzo Daeshawn Anderson.

8 1.2 Horace Anderson is an individual who resides in King County, Washington. He  
9 is the surviving father of the decedent, Lorenzo Anderson, and resided with him at the time of  
10 his death. Horace Anderson was Lorenzo Anderson’s primary caregiver responsible for  
11 Lorenzo Anderson’s emotional, psychological, and financial needs at the time of his death.  
12 Horace Anderson’s claims in this action are brought on his behalf by the personal representative  
13 of the Estate of Horace Lorenzo Daeshawn Anderson.

14 1.3 Defendant City of Seattle is a first-class city, as described in RCW 35.22.010  
15 and is governed and organized in accordance with the Washington State Constitution Article  
16 11, Section 10, Amendment 40. The City of Seattle is liable for the acts and omissions of city  
17 employees and officers. A true and correct copy of the Washington State Constitution is  
18 attached hereto as **Exhibit 1**.

19 1.4 Defendant Jenny Anne Durkan is an individual who resides in Seattle,  
20 Washington and currently serves as the Mayor of Defendant City of Seattle.

21 1.5 Defendant Kshama Sawant is an individual who resides in Seattle, Washington  
22 and serves on its City Council.

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1 **II. NOTICE OF CLAIMS FILED**

2 2.1 Notice of Claim was filed with the City of Seattle on behalf of Horace Anderson  
3 on August 26, 2020. More than 60 days have elapsed since this claim was filed before the filing  
4 of this complaint against Defendant City of Seattle in the above-entitled court. The filing of this  
5 claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq. A  
6 true and correct copy of RCW 4.96 et. seq. and the Notice of Claim is attached hereto as **Exhibit**  
7 **2.**

8 2.2 Notice of Claim was filed with the State of Washington on behalf of Horace  
9 Anderson on August 26, 2020. More than 60 days have elapsed since this claim was filed before  
10 the filing of this complaint against Defendant City of Seattle in the above-entitled court. The  
11 filing of this claim properly satisfied the notice and other procedural requirements of RCW 4.96  
12 et. seq. See **Exhibit 2.**

13 2.3 Notice of Claim was filed with King County on behalf of Horace Anderson on  
14 August 26, 2020. More than 60 days have elapsed since this claim was filed before the filing of  
15 this complaint against Defendant City of Seattle in the above-entitled court. The filing of this  
16 claim properly satisfied the notice and other procedural requirements of RCW 4.96 et. seq. See  
17 **Exhibit 2.**

18 2.4 Notice of Claim was filed with the City of Seattle on behalf of the Estate of  
19 Horace Lorenzo Daeshawn Anderson on May 5, 2021. More than 60 days have elapsed since  
20 this claim was filed before the filing of this complaint against Defendant City of Seattle in the  
21 above-entitled court. The filing of this claim properly satisfied the notice and other procedural  
22 requirements of RCW 4.96 et. seq. See **Exhibit 2.**

23 2.5 Notice of Claim was filed with the State of Washington on behalf of the Estate  
24 of Horace Lorenzo Daeshawn Anderson on May 4, 2021. More than 60 days have elapsed since  
25 this claim was filed before the filing of this complaint against Defendant City of Seattle in the  
26 above-entitled court. The filing of this claim properly satisfied the notice and other procedural  
27 requirements of RCW 4.96 et. seq. See **Exhibit 2.**

1           2.6     Notice of Claim was filed with King County on behalf of the Estate of Horace  
2 Lorenzo Daeshawn Anderson on May 5, 2021. More than 60 days have elapsed since this claim  
3 was filed before the filing of this complaint against Defendant City of Seattle in the above-  
4 entitled court. The filing of this claim properly satisfied the notice and other procedural  
5 requirements of RCW 4.96 et. seq. See **Exhibit 2**.

6   **III. JURISDICTION**

7           3.1     This Court has subject matter and personal jurisdiction over this matter under  
8 RCW2.08.10.

9           3.2     Venue is proper and appropriate in King County Superior Court because the  
10 incidents occurred in the City of Seattle, in King County, State of Washington. In addition, all  
11 defendants reside in King County.

12   **IV. FACTS**

13           **A. The Creation of CHOP**

14           4.1     In late May 2020, protests erupted in downtown Seattle following the death of  
15 George Floyd. The protests led to violence, looting, destruction, and general chaos.

16           4.2     On May 30, 2020, Mayor Durkan issued a Civil Emergency Proclamation  
17 granting the mayor the authority to address threats to public health and safety caused by the  
18 protests. A true and correct copy of the Proclamation is attached hereto as **Exhibit 3**.

19           4.3     In that Proclamation, Mayor Durkan recognized that these protests have led to  
20 property destruction and injuries to demonstrators, including death. Mayor Durkan also issued  
21 Emergency Orders banning the use of weapons and establishing a 5:00 p.m. curfew for May  
22 30<sup>th</sup> and 31<sup>st</sup>. A true and correct copy of the Order is attached hereto as **Exhibit 4**.

23           4.4     In the first week of June 2020, protests continued in Seattle, moving primarily  
24 to the Capitol Hill neighborhood. Seattle police issued a statement late June 1, 2020 declaring  
25 a riot. A true and correct copy of the statement is attached hereto as **Exhibit 5**. Despite protests  
26 getting out of control, Mayor Durkan and Seattle Police Chief Carmen Best announced a 30-  
27

1 day ban on the Seattle Police Department using tear gas for crowd control. A true and correct  
2 copy of the announcement is attached hereto as **Exhibit 6**. In the following days, uncontrolled  
3 protests continued in Capitol Hill.

4 4.5 By June 8, 2020, the protests surrounded the police precinct in Capitol Hill, the  
5 East Precinct.

6 4.6 On June 8, 2020, Seattle Police Chief Carmen Best gave a press conference in  
7 which she stated that the Seattle Police would try something new to keep protestors at bay after  
8 prior measures had been unsuccessful. She stated: “We’re not going to evacuate or abandon the  
9 East Precinct” and continued “We will be hardening the East Precinct facility by boarding up  
10 the exterior windows, and applying fire retardant to the building exterior and installing  
11 fencing.” A true and correct copy of the statement is attached hereto as **Exhibit 7**.

12 4.7 Despite Chief Best’s proclamation, on June 8, 2020, the City and SPD made the  
13 extraordinary decision to abandon the East Precinct entirely. The SPD boarded up the building,  
14 removed all valuables, and walked away.

15 4.8 The City left behind at the precinct and in the surrounding areas large barriers  
16 that had been used in previous days to try to limit the movements of protestors and despite Chief  
17 Best’s words, the Seattle Police Department East Precinct became overtaken by protestors who  
18 vandalized and destroyed the precinct.



1           4.9     Predictably, almost immediately after the Seattle Police Department abandoned  
2 the precinct and the barriers, occupants used the barriers to block off streets in the area and  
3 create a “no-cop” zone. Initially, the blocked off area extended to all streets within one block  
4 from the precinct and The Capitol Hill Autonomous Zone (CHAZ), also identified as the Free  
5 Capitol Hill, the Capitol Hill Occupied Protest, or the Capitol Hill Organized Protest (CHOP)  
6 was born.



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16           4.10    The abandonment of the East Precinct was celebrated by Kshama Sawant,  
17 member of the Seattle City Council who, acting under color of law, encouraged the CHOP  
18 participants to engage in lawfulness, and used the power of her office to open the doors of city  
19 hall to protestors. In the words of Defendant Durkan, Sawant used “her office ‘in violation of  
20 the law’ in a fashion that “recklessly undermines the safety of others, all for political theater.”  
21 A true and correct copy of Sawant’s statements, is attached hereto as **Exhibit 8**.

22  
23           4.11    Sawant’s actions were so egregious that she faced recall charges. The  
24 Washington Supreme Court opinion dated April 1, 2021, affirms that Sawant “used city  
25 resources to promote a ballot initiative and failed to comply with public disclosure  
26 requirements, disregarded state orders related to COVID-19 and endangered the safety of city  
27



1 workers and other individuals by admitting hundreds of people into city hall while it was closed  
2 to the public.” The court further acknowledged that Sawant “led a protest march to Mayor Jenny  
3 Durkan’s private residence, the location of which Councilmember Sawant knew was protected  
4 under state confidentiality laws” which constituted a violation of the Seattle city code regarding  
5 confidentiality. Led and encouraged by Sawant, protesters defaced and damaged Mayor  
6 Durkan’s home. True and correct copies of a summary of the protest and the judicial reprimand  
7 are attached hereto as **Exhibit 9**.

9 4.12 Without any police presence and with encouragement from public officials, the  
10 CHOP participants declared the area “Free Capitol Hill” and stationed guards by the barriers  
11 that the City had abandoned, thereby creating borders for the occupied area. True and correct  
12 copies of the guards are attached hereto as **Exhibit 10**. IN FACT, THE CITY PROVIDED  
13 THE BARRIERS AND ENCOURAGED THE CHOP. According to documents obtained via a  
14 public records request, Seattle spent over \$1 million dollars on materials for CHOP, such as  
15 concrete barriers, water barriers, boom truck rentals, sand and gravel, pressure washers, paint  
16 to cover graffiti, and plywood to cover windows and create more surfaces on the barriers for  
17 “public art” which Mayor Durkan stated she intended to preserve. True and correct copies of  
18 work orders, invoices, and logs showing funds spent on CHOP are attached hereto as **Exhibit**  
19 **11**. The area later expanded, was referred to as CHAZ for several days, and eventually became  
20 known as CHOP.  
21

23 4.13 CHOP’s unofficial boundaries stretched north to East Denny Way, east to 13<sup>th</sup>  
24 Avenue, south to East Pike Street, and west to Broadway. It encompassed the entirety of Cal  
25 Anderson Park and sixteen city blocks in all. A true and correct copy of the map of CHOP is  
26 attached hereto as **Exhibit 12**.  
27



**B. The Activities of CHOP Participants**

4.14 When the Seattle Police Department vacated Capitol Hill, the CHOP participants claimed the area as their own with a physical boundary and a loose form of governance and justice.

4.15 CHOP participants maintained borders with barriers and people patrolling the perimeter, as well as vehicles parked in the middle of rights-of-way.

4.16 Many CHOP participants lived on the streets and sidewalks in Cal Anderson Park, in tents such as the following:



4.17 They painted graffiti on most available surfaces, and if a property owner painted over the graffiti, the graffiti was typically replaced within a few hours.

4.18 CHOP participants even threatened business owners with retaliation if they painted over graffiti.

1 4.19 Examples of the pervasive graffiti included the following:  
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19 4.20 CHOP participants occupied the streets and sidewalks 24 hours a day between  
20 June 8 and July 1, 2020, in lawlessness and chaos.

21 4.21 CHOP participants were observed carrying guns in the public streets and parks  
22 in broad daylight.

23 4.22 Cal Anderson Park was one of the focal points of CHOP. The approximately  
24 seven-acre City park was left entirely to the CHOP participants. The City supported and  
25 enabled CHOP's occupation of the park by providing washing/sanitation facilities, portable  
26 toilets, barriers, and other materials that encouraged the encampment to continue.  
27

1 4.23 As a result of the City's actions, Cal Anderson Park was transformed into a  
2 massive tent city for CHOP participants, as shown here:



8 4.24 Members of the public could no longer use Cal Anderson Park. CHOP's control  
9 of the park continued unabated for weeks, as shown in the below pictures taken the afternoon  
10 of June 23, 2020:



17 4.25 CHOP participants even built makeshift gardens on the park's lawn to grow  
18 food for CHOP. The City handed over forfeited public property for this use, as shown here:



27 4.26 CHOP's control of Cal Anderson Park was a central nuisance to local residents

1 and businesses. Cal Anderson Park was one of the most violent areas of CHOP. Local residents  
2 observed individuals in Cal Anderson Park carrying firearms.

3 **C. The City Actively Supported and Encouraged CHOP and CHOP**

4 **Participants**

5 4.27 In the face of all this destruction Mayor Durkan celebrated the existence,  
6 message, and methods of CHOP and CHOP Participants. She did this with physical support  
7 and extensive verbal support and encouragement that expressly endorsed the barricading and  
8 occupation of City streets and parks. The Fire Chief had friendly text conversations with the  
9 self-proclaimed “Warlord” of CHOP, Raz Simone, see below, who was frequently seen walking  
10 around the area with an AK-47 and handed assault rifles out to CHOP participants from his  
11 personal stockpile of weapons in the trunk of his car. A true and correct copy of an article posted  
12 by The Post Millennial that contains copies of the text messages between the Fire Chief and  
13 Raz Simone are attached hereto as **Exhibit 13**.  
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26 4.28 Mayor Durkan knew the CHOP activity was dangerous to the health and safety  
27

1 of the community and needed to be controlled. She delegated authority to the Fire Chief and  
2 Police Chief “direction of any necessary population and property protection, as well as control  
3 of incidents and maintenance of public peace and order.” She followed that with a statement  
4 that “[o]ther departments and personnel will assist as requested.” In the proclamation, Mayor  
5 Durkan stated:  
6

7 This Proclamation shall be terminated by the issuance of another  
8 proclamation of when I determine that extraordinary measures  
9 are no longer required for the protection of the public peace,  
10 safety and welfare, or by passage of a termination resolution by  
11 vote of not less than two-thirds (2/3) of all the members of the  
12 City Council. Before termination of this civil emergency I or the  
13 City Council shall consult with the Chief of Police, the Fire  
14 Chief, the Director of Public Health, and the Director of  
15 Emergency Management to determine if there are any fiscal,  
16 public safety response or disaster recovery imperatives that  
17 require the continuation of emergency measures.

18 A true and correct copy of Mayor Durkan’s Proclamation is  
19 attached hereto as **Exhibit 14**.

20 4.29 Since the day the East Precinct was abandoned, the City had full knowledge  
21 of the problems created for residents and the general public. The City nevertheless adopted  
22 a policy that supported the CHOP occupation and acted with deliberate indifference toward  
23 those suffering harms from it. Evidence of the City’s knowledge includes the following:  
24

25 a. At a June 11, 2020 press conference with Mayor Durkan, Chief Best  
26 made it clear that the City was fully aware that its 9-1-1 response times had tripled and  
27 that there was a serious public-safety crisis for anyone who lived or worked in CHOP.

28 b. That same day, Chief Best posted a video, addressing members of the  
29 Seattle Police Department, acknowledging how dire the situation had become. A  
30 professional transcription of this video is attached hereto as **Exhibit 15**.

31 c. On June 16, 2020, the City stated via a press release from the Mayor’s  
32 office:

1 Beginning last Tuesday, City officials have been on site on Capitol  
2 Hill to work [to] meet community needs including  
3 hygiene, sanitation and safety. Utilities including Puget Sound  
4 Energy and SPU have been able to respond to the area for service.  
5 Seattle Police Chief Carmen Best has visited the site multiple  
6 times. Over the past week, conversations continued between City  
7 officials, organizers onsite for the CHOP, residents  
8 and businesses. ... Every day, Seattle Fire Chief Harold  
9 Scoggins, Seattle Department of Transportation Director Sam  
10 Zimbabwe, and Seattle Public Utilities General Manager Mami  
11 Hara have been on site. On Sunday, they held a meeting with  
12 onsite organizers, small businesses, and residents to discuss  
13 proposed changes to the protest zone.

14 d. On information and belief, Mayor Durkan and the Seattle Police  
15 Department were inundated with complaints about CHOP that described in detail the  
16 public danger.

17 e. In response, Mayor Durkan's office provided a stock response  
18 acknowledging that the City is "maintaining" a space for CHOP, including by, for  
19 example, providing a "sturdier concrete barrier" to help CHOP block a public street.  
20 The stock response states in pertinent part as follows:

21 Thank you for reaching out.

22 The Capitol Hill Organized Protest has emerged as a gathering  
23 place where community members can demand change of their  
24 local, state, and federal government. Capitol Hill and Cal  
25 Anderson Park have long been a gathering place for justice. While  
26 there have been inaccurate and misleading depictions of the CHOP  
27 from the President and some national media, the City believes first  
amendment activities can continue while also maintaining public  
safety and allowing access for residents and businesses who  
operate in the area. Mayor Durkan believes these changes can help  
ensure any focus of the CHOP and Cal Anderson will allow for  
peaceful demonstrations to continue.

Beginning last Tuesday, City officials have been on site on  
Capitol Hill to work [to] meet community needs including  
hygiene, sanitation and safety. Utilities including Puget Sound  
Energy and SPU have been able to respond to the area for  
service. Seattle Police Chief Carmen Best has visited the site  
multiple times. Over the past week, conversations continued  
between City officials, organizers onsite for the CHOP,

1 residents and businesses. The City is committed to maintaining  
2 space for community to come to together, protest and exercise  
3 their first amendment rights. Minor changes to the protest zone  
4 will implement safer and sturdier barriers to protect individuals  
5 in this area, allow traffic to move throughout the Capitol Hill  
6 neighborhood, ease access for residents of apartment building in  
7 the surrounding areas, and help local businesses manage  
8 deliveries and logistics. Additionally, all plans have been  
9 crafted with the goal of allowing access for emergency  
10 personnel including fire trucks. Everyday, Seattle Fire  
11 Chief Harold Scoggins, Seattle Department of  
12 Transportation Director Sam Zimbabwe, and Seattle Public  
13 Utilities General Manager Marni Hara have been on site. On  
14 Sunday, they held a meeting with onsite organizers, small  
15 businesses, and residents to discuss proposed changes to the  
16 protest zone. In coordination with protesters onsite, work began  
17 at 6:30 a.m. on Tuesday to remove a tent barrier at 10th and Pine  
18 and replace it with a sturdier concrete barrier to improve public  
19 safety. The City has successfully worked with protesters onsite  
20 to reconfigure the CHOP to allow for public safety and better  
21 access for the local community. That has involved rerouting  
22 traffic, freeing up alley access, opened streets, and replacing  
23 makeshift barriers with heavy concrete barriers that can be  
24 painted.

25 f. Mayor Durkan herself personally visited CHOP and observed what was  
26 happening. In an interview given in her City offices on Facebook Live on June 12, 2020,  
27 Mayor Durkan made clear that she had seen the barriers and talked to CHOP participants  
and apparently approved of them using an individual with behavioral health issues to  
enforce the perimeter: “It’s interesting, when I was at the CHAZ, walking around,  
similar kind of philosophy, because there’s this one guy, some behavioral health issues,  
and it was like, look, he has some hard times, and he helps on that barricade over there,  
and then when he starts having a hard time, we just bring him over here, take care of  
him, feed him. And that’s what you gotta do, right?”

g. On June 22, 2020, Mayor Durkan stated at a press conference:

Over the days, tens of thousands of people have peacefully  
gathered or visited Capitol Hill. During the day, there have been  
no major incidents. But we know it is very different at night,  
particularly in recent nights. The cumulative impacts of the  
gatherings and protests and the nighttime atmosphere and  
violence has led to increasingly difficult circumstances for our



1 businesses and residents. Most of them supported protesters’  
2 right to gather at the outset. They stand with them in solidarity.  
3 But the impacts have increased, and the safety has decreased.  
4 Both on Saturday morning and last night there  
5 were incidents of gun violence. And that escalating violence  
6 concerns me, Chief Best, residents, businesses, and the greater  
7 community. All of Capitol Hill has been impacted.

8 *h.* At the same June 22, 2020 press conference, Chief Best stated that  
9 reports to the police demonstrate that some CHOP participants are “engaging in  
10 shootings, a rape, assaults, burglary, arson and property destruction, and I have their  
11 police reports right here. I’m not making it up. These things have happened.”

12 4.30 Despite having knowledge of exactly what is happening at CHOP by being there  
13 every day and in apparently constant contact with area residents and business owners, the City  
14 acted with deliberate indifference toward the safety and care of residents and the public.

15 4.31 At the same time that the City acted with deliberate indifference to property  
16 owners and people who lived and worked in and near CHOP, the City physically aided,  
17 endorsed and actively encouraged CHOP participants in their occupation of public spaces.

18 4.32 The City physically aided CHOP participants in their occupation of the area in  
19 at least the following ways:

20 a. When the City abandoned the East Precinct on June 8, 2020, it left behind  
21 the barriers that had previously blocked street access and protected the East Precinct  
22 from protestors. These barriers predictably served as raw materials that allowed CHOP  
23 participants to block streets and create CHOP within a very short time.

24 b. On June 16, 2020, the City provided even more concrete barriers to CHOP  
25 participants so that CHOP participants could replace wooden barriers and fortify their  
26 blockages of streets. See previously referenced **Exhibit 11**.

27 c. The City provided portable toilets for CHOP participants that were

1 regularly serviced. See **Exhibit 11**.

2 4.33 The City’s policies effectively authorized the actions of the CHOP participants.

3 The City communicated clearly to CHOP participants that they could continue occupying the  
4 streets in the area, maintain their barricades and block traffic all without interference from the  
5 City. The City communicated this message in at least the following ways:  
6

7 a. On June 11, 2020, during a joint press conference with the Chief of  
8 Police, Mayor Durkan stated” There’s not a specific date...because we are trying to do  
9 things that are responsible.”

10 b. On June 12, 2020, in response to a direct question from CNN’s Chris Cuomo  
11 about how long the City would allow CHOP participants to continue to occupy the  
12 neighborhood, Mayor Durkan responded, “I don’t know. We could have the Summer  
13 of Love.”  
14

15 c. On June 16, 2020, the City announced through an official statement from  
16 Mayor Durkan that it had negotiated with CHOP participants to adjust some but not all  
17 their barriers to allow one-way traffic on Twelfth Avenue. This agreement was a tacit  
18 approval of the CHOP’s other unlawful barriers and the occupation of the neighborhood  
19 itself.  
20

21 d. In announcing the supposed opening of a one-way corridor, the City made  
22 clear in a statement from the Mayor that it was an active participant in maintaining and  
23 solidifying the CHOP barriers and boundaries:

24 The City is committed to maintaining space for community to  
25 come together, protest and exercise their first amendment rights.  
26 Minor changes to the protest zone will implement safer and  
27 sturdier barriers to protect individuals in this area, allow traffic  
to move through the Capitol Hill neighborhood, ease access for  
residents of apartment buildings in the surrounding area, and help  
local businesses manage deliveries and logistics. [emphasis

1 added]

2 e. Also on June 16, 2020, Mayor Durkan suggested that the City agreed that  
3 police officers will only enter the occupied area for “significant life-safety  
4 issues.”

5 f. On June 22, 2020, Mayor Durkan and Chief Best held a joint press  
6 conference in which they expressed concern about the impacts of CHOP but also  
7 suggested that there was no specific timeline or plan for lessening those impacts  
8 or removing the blockades, barriers and tents from CHOP.  
9

10 4.34 The City has also made numerous statements indicating that it endorsed and  
11 supported what CHOP participants are doing to the area, thereby ensuring the continued and  
12 indefinite occupation and blockading of the neighborhood, and all the damage it has caused and  
13 will cause. The City’s statements include at least the following:  
14

15 a. On June 11, 2020, Mayor Durkan posted following her on Twitter page:  
16 “The Capitol Hill Autonomous Zone #CHAZ is not a lawless wasteland of anarchist  
17 insurrection – it is a peaceful expression of our community’s collective grief and their  
18 desire to build a better world.” A true and correct copy of Mayor Durkan’s June 11,  
19 2020 Twitter post is attached hereto as **Exhibit 16**.

20 b. On June 11, 2020 Mayor Durkan also posted on her Twitter page: “ For  
21 the thousands of individuals who have been on Capitol Hill, I think you’ve seen what  
22 I’ve seen: the painting of Black Lives Matter along Pine Street, food trucks, spaghetti  
23 potlucks, teach-ins, and movies.” A true and correct copy of Mayor Durkan’s second  
24 June 11, 2020 Twitter post is attached hereto as **Exhibit 17**.

25 c. On June 11, 2020, Mayor Durkan stated during a joint press conference  
26  
27

1 with the Chief of Police:

2 Lawfully gathering and expressing First Amendment rights, and  
3 demanding we do better as a society, and providing true equity  
4 for communities of color, is not terrorism. It is patriotism. The  
5 right to challenge government and authority is a fundamental to  
6 who we are on Capitol Hill, many of them, what you'll see is a  
7 painting of Black Lives Matter along Pine Street. Food Trucks,  
8 spaghetti potlucks, teach-ins, and movies, free granola bars..."

9 d. During the same press conference on June 11, 2020,

10 Mayor Durkan, also stated:

11 The Capitol Hill area—in fact, some of my family is up there  
12 right now—... it is not an armed ANTIFA militia no-go zone.  
13 It is, a number of people are there, we've had ongoing  
14 communications with them, with the businesses, with the  
15 residents, and we will make sure that we find some way for  
16 people to continue to protest peacefully while also getting ingress  
17 and egress. We've had blocks of Seattle in Capitol Hill shut down  
18 every summer for everything from Block Party to Pride. This is  
19 not really that much of an operational challenge. But we want to  
20 make sure that the businesses and residents feel safe and we'll  
21 continue to move that forward.

22 e. During her Facebook Live interview, Mayor Durkan also stated "I was  
23 up there today, walking around, talking to people, and I think we just have to continue  
24 to listen to people and figure out a way that there's still a way for people to have that  
25 kind of free expression, but we need to open up the streets, too, at least 12<sup>th</sup> so we can  
26 get fire through, and like that, so we're going to keep talking to people and listen to  
27 them. But I heard a lot of great ideas and I heard a lot of community strength there.  
That was cool."

28 f. Also on June 12, 2020, during her interview with CNN's Chris Cuomo,  
29 Mayor Durkan said "We've got four blocks in Seattle that just saw pictures of that is  
30 more like a block party atmosphere. It's not an armed takeover. It's not a military junta.  
31 We will – we will make sure that we can restore this. But we have block parties and the  
32 like in this part of Seattle all the time. It's known for that."

1           g.       On June 12, 2020 Mayor Durkan endorses the gardens being planted in  
2 Cal Anderson Park on Twitter: “Earlier today I visited the #CHAZ and met Marcus  
3 Henderson, the person behind the new community garden popping up in Cal Anderson  
4 Park. Read more about Marcus and the work that’s gone into creating the gardens:  
5 thestanger.com/slog/2020/06/1.” A true and correct copy of Mayor Durkan’s June 12,  
6 2020 Twitter post is attached hereto as **Exhibit 18**.

8           h.       Mayor Durkan also tweeted on June 12, 2020: “For as long as I can  
9 remember, Capitol Hill has been autonomous – it’s been a place where people go to  
10 express themselves freely. Today at the #CHAZ, I spoke with organizers and  
11 community about how we can move forward and keep our communities safe, together.”

13           i.       Mayor Durkan tweeted on June 16, 2020: “The #CHOP has emerged  
14 as gathering place for community to demand change of their local, state, and federal  
15 government.” A true and correct copy of Mayor Durkan’s June 16, 2020 Twitter post is  
16 attached hereto as **Exhibit 19**.

17           j.       On June 19, 2020, Mayor Durkan officially declared that there was no  
18 longer a state of emergence in the City because “demonstrations since that day have  
19 been and continued largely peaceful.”

21           k.       On June 21, 2020, after two people were shot in the CHOP and one of  
22 them died, Mayor Durkan issued a statement indicating that the City still had no plans  
23 to cease supporting CHOP and the City was instead acting to work with and preserve  
24 CHOP.

25           l.       On June 28, 2020, Hundreds of protestors and demonstrators marched to  
26 Mayor Durkan’s neighborhood and house as they sought to bring their demands to her  
27

1           doorstep. There was no visible police presence. It was not until after fair warnings from  
2           President Donald Trump, and the fact that these protestors hit close to home for Mayor  
3           Durkan that she decided to put an end to it. See **Exhibit 20**. Hence, Mayor Durkan only  
4           decided to end the CHOP zone when her personal safety was put at risk.

5                           m.       **Now we find that many of Mayor Durkin’s email and text messages**  
6                           **transmitted have been erased or missing even though it is policy to retain such**  
7                           **records. See Exhibit 21.**

8  
9       **D. Lack of Public-Safety assistance even in life-threatening circumstances**

10       4.35    The Charter of the City of Seattle and the Charter of the County of King,  
11       (**Exhibit 22**) clearly outlines the powers granted to the City, and the Seattle Fire  
12       Department Policy and Procedure Manual (**Exhibit 23**) and the Seattle Police  
13       Department Policy and Procedure Manual (**Exhibit 24**) clearly state the guidelines and  
14       procedures for responding to emergency situations. However, the City’s endorsement  
15       and recognition of CHOP went so far that the SPD adopted a policy and practice of not  
16       entering the area except in the case of life-threatening crimes, and even then, the SPD  
17       response was grossly inadequate.

18  
19       4.36    On information and belief, the Seattle Police Department considered the area  
20       from Denny Way to Union Street and Thirteenth Avenue to Broadway to a “no response” zone  
21       where the Seattle Police Department would not respond to anything but the most serious crimes.

22                   4.37    And even in the most serious situations the Seattle Police Department’s  
23       response was unconscionably delayed. As Seattle Police Department Chief Carmen Best  
24       explained on June 11, 2020, as she stood next to Mayor Durkan:  
25

26                           SPD has a responsibility to provide public safety services to the  
27                           entire East precinct and the City. The actions of a small group

1 cannot and should not deprive an entire segment of our  
2 community from public-safety services. In the first day of the  
3 SPD not having access to the precinct, response times for  
4 crimes in progress were over fifteen minutes, about three times  
5 as long as the average .... If that is your mother, or your sister,  
6 your cousin, your neighbor's kid that is being raped, robbed,  
7 assaulted, and otherwise victimized, you're not going to want to  
8 have to report that it took the police three times longer to get there  
9 to provide services to them. The difference in the amount of time  
10 could protect someone's life and prevent a violent attack.

11 4.38 The events in CHOP demonstrate that if anything, Chief Best was being  
12 conservative in her description of the public-safety emergency in CHOP.

13 4.39 At approximately 2:20 a.m. on June 20, 2020, there were two people shot in  
14 CHOP. At least one of the shootings happened at or near the intersection of Tenth Avenue and  
15 Pine Street, around the corner from the abandoned East Precinct. One of the victims died before  
16 reaching the hospital. The second was admitted with life-threatening injuries. *No suspects were*  
17 *taken into custody until over a year after the shooting.*

18 4.40 The victim that died was Lorenzo Anderson, a special needs teenager and  
19 resident of Seattle who had just graduated high school. Lorenzo was a kind, gentle, young man  
20 with developmental delays and various medical issues. Throughout his childhood as a special  
21 education student and into early adulthood, Lorenzo was the victim of bullying at the hands of  
22 other neighborhood youth. Lorenzo spent the majority of the pandemic in the safety and security  
23 of his family home but was drawn to CHOP by what he saw on television.

24 4.41 The night in question, EMS did not attend to Lorenzo Anderson, police had  
25 abandoned the precinct previously, the government leaders encouraged lawlessness, the  
26 government was offered federal assistance and refused, and the Mayor had downplayed  
27 CHOP's danger by saying it looked more like the "summer of love" despite knowing its  
dangers. It all led to a senseless killing.

1           4.42    The shots fired at Lorenzo were non-fatal. Lorenzo lost his life and his family  
2 was torn apart as a result of a botched emergency response and the City’s active support and  
3 encouragement of CHOP and the CHOP participants.

4           **E. June 20, 2020: Mayor’s “Summer of Love” becomes “Summer of Blood”**

5           4.43    At 2:19 a.m. on the Morning of June 20, 2020, John Moore, a volunteer medic  
6 inside the CHOP, dropped to the pavement when he heard gunshots.

7           4.44    After the gun shots stopped, Moore ran to the aid station outside Rancho Bravo  
8 Tacos on Pine Street to grab his designated mass casualty bag.

9           4.45    In came Lorenzo Anderson, carried by the crowd. A table was cleared, and he  
10 was placed on it. Lorenzo Anderson had a pulse for about two minutes. When the pulse was  
11 lost, Moore started CPR.

12           4.46    Volunteer medics said those on the phone with emergency dispatchers received  
13 conflicting information about whether an ambulance would come into the CHOP to retrieve  
14 Lorenzo Anderson, of if they would have to transport him themselves to a meeting point.  
15 Because of the condition Lorenzo Anderson was in, transport was extremely difficult.

16           4.47    At 2:29 a.m. a City ambulance sat a block and a half away, on Broadway and  
17 Pike with a fire vehicle, waiting to receive clearance to enter the CHOP from police.

18           4.48    The fire department’s “scenes of violence” policy require firefighters and  
19 paramedics to stay two blocks away and not enter the incident area until police give the okay.

20           4.49    When the “scenes of violence” policy was in effect, Seattle police responded to  
21 the scene and then notified Seattle Fire when it was safe to respond, whether or not that led to  
22 additional suffering. The two departments did not typically meet to coordinate before police  
23 went in.



1           4.50    An emergency responder and dispatcher can be heard having this conversation  
2 at approximately 2:32 a.m., 12 minutes after Lorenzo Anderson had been shot:

3                   Emergency Responder: “I want to make sure that we have not  
4 been cleared to move into the scene at this point,” an emergency  
5 responder says from his radio, from inside a fire department  
6 vehicle at about 2:32 a.m.

7                   Dispatcher: That’s negative. Medic 44, we’re still working on it,”  
8                   Emergency Responder: “Okay, we have a number of citizens that  
9 want us into the location. I just want to make sure we’re not  
10 cleared to move into the location,” the emergency responder  
11 says.

12           4.51    On Broadway, outside the fire vehicle, a man pleaded with the responders to  
13 enter the zone. This man is heard in the background on a dispatch recording and was captured  
14 in a video post to Twitter.<sup>1</sup>

15           4.52    At 2:34 a.m. fifteen minutes had passed since the shooting with no sign of  
16 emergency responders. Volunteer medics decided they would take Lorenzo Anderson to the  
17 hospital themselves in the back of a pickup truck. Volunteer medics hoped an ambulance would  
18 be at Pine and Harvard, a meeting point that had been discussed previously with Seattle Fire  
19 Chief Harold Scoggins and other Seattle Fire personnel. The medics left at 2:35 a.m. en route  
20 to the meeting point.

21           4.53    Medic Moore, who was in the truck with Lorenzo Anderson, said they drove to  
22 the meeting area the CHOP medics had previously discussed with the fire chief hoping to see  
23 an ambulance. And they drove him to the intersection of Broadway and Pine, a meeting point  
24 mentioned by dispatchers that night. The ambulance was not there or anywhere along their path  
25 to the hospital.

26 \_\_\_\_\_  
27 <sup>1</sup>[https://twitter.com/blackstarfarmer/status/1275198970361311233?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1275198970361311233%7Ctwgr%5Eshare\\_3%2Ccontainerclick\\_1&ref\\_url=https%3A%2F%2Fwww.kuow.org%2Fstories%2Fseattle-police-and-fire-confusion-slowed-response-to-chop-shooting](https://twitter.com/blackstarfarmer/status/1275198970361311233?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1275198970361311233%7Ctwgr%5Eshare_3%2Ccontainerclick_1&ref_url=https%3A%2F%2Fwww.kuow.org%2Fstories%2Fseattle-police-and-fire-confusion-slowed-response-to-chop-shooting)

1           4.54   At 2:38 a.m. on the opposite side of the protest zone, the volunteer medic arrived  
2 at the fire station. She approached a firefighter who was seated in an engine. She told him that  
3 Anderson was at 10th and Pine, near Rancho Bravo Tacos. A video posted to social media  
4 captured the encounter.<sup>2</sup> In the video you can hear this conversation transpire:

5                   “Where are they?” someone is heard shouting.

6                   Someone else replies: “10th and Pine. 10th and Pine. 10th and  
7 Pine.”

8                   “I’m doing CPR on a man and have been trying to control his  
9 four bullet wounds for the past 10 fucking minutes,” the  
10 volunteer medic says to an emergency responder standing on the  
11 other side of the door. “I’m on the phone with your dispatch right  
12 now. I hope you can make it.”

13 Meanwhile, at about this same time, police made the call to move in.

14                   “Fire, SPD is preparing to move in from the west,” someone with  
15 Seattle Police announced, according to dispatch recording.

16                   “Yeah, we’ve been directed to meet you at 12th and Cherry, is  
17 that correct? Yes or no?” someone with Seattle Fire responds.

18                   Negative, we were told to no longer wait; we are moving in.”

19           4.55   At 2:39 a.m., Police entered the protest zone from Broadway onto Pine, one  
20 block west of the protest zone border. The dozen or so officers marched into the CHOP, some  
21 with rifles out. Seattle Police bodycam footage captured the officer's vantage point, as they were  
22 surrounded by protesters. The Seattle Police bodycam footage cuts to officers standing outside  
23 the CHOP, near their vehicles on Broadway. Protesters chant. Some yell and approach the  
24 officers. Others shout profanities. The police officers got in their cars and drove away.

25           4.56   At 2:45 a.m., volunteer medics transported Anderson to Harborview Hospital, a  
26 mile and a half away from the medic tent inside the CHOP. Lorenzo Anderson was pronounced  
27 dead at the hospital shortly thereafter.

<sup>2</sup> [https://www.youtube.com/watch?v=oc2MNVF8zlw&feature=emb\\_title](https://www.youtube.com/watch?v=oc2MNVF8zlw&feature=emb_title)

1           4.57 Raw video streamed from the area shortly after that shooting demonstrates the  
2 enormity of the risk created by the City for anyone who lived or worked in CHOP. That video  
3 clearly captured the following:<sup>3</sup>

- 4           a. The video appears to start a couple of minutes after the shooting
- 5           b. One shooting victim was taken to the CHOP “medic tent” located in a  
6 parking lot under a festival tent.
- 7           c. No professional medics arrived until approximately 15 minutes into the  
8 video to tend to the first shooting victim.
- 9           d. No police were in the area until approximately 18 minutes into the video,  
10 when cars and lights and can be seen several blocks away, and police can be  
11 heard on megaphones demanding that the barriers be moved to allow police to  
12 enter.
- 13           e. Approximately 19 minutes into the video, a small phalanx of  
14 approximately eight (8) police officers entered the area on foot and arrived in  
15 the area of the medical tent, apparently for the purpose of trying to locate and  
16 extract the first shooting victim.
- 17           f. The phalanx of officers was immediately surrounded, yelled at, and  
18 pursued by CHOP participants
- 19           g. One police car finally entered the area approximately 20 minutes into  
20 the video.
- 21
- 22
- 23
- 24
- 25
- 26
- 27

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<sup>3</sup><https://www.facebook.com/WWConverge/videos/297548387941384/?v=297548387941384>

1 h. The police did not engage with the crowd and promptly left the area,  
2 after which CHOP participants created a human chain across the street to bar  
3 any further entry.

4 i. There was a second shooting victim in CHOP located a couple of  
5 blocks away. It appears that no medics or police responded at all to the location  
6 of the second victim.  
7

8 j. Approximately 35 minutes into the live stream video, the second victim  
9 was placed into a plain white cargo van and presumably taken to the hospital. A  
10 voice can be heard explaining that Medic One drove by but did not come to the  
11 assistance of the person who ended up in the white van.

12 k. Shortly after the second victim was driven away, private citizens  
13 began looking for bullet casings. No police were on the scene to perform any  
14 investigation in the immediate aftermath of the shooting.  
15

16 4.58 In a press conference with Mayor Durkan on June 22, 2020, Chief Best  
17 reiterated the seriousness of the public-safety situation, stating:

18 There are countless individuals who are in the CHOP that are  
19 there to engage, as the Mayor said earlier, in peaceful  
20 demonstrations. But there are also groups of individuals  
21 engaging in shootings, a rape, assaults, burglary, arson, and  
22 property destruction, and I have their police reports right here.  
23 [\*Holding up a stack of papers\*] I'm not making it up. These  
things have happened. We cannot walk away from the truth of  
what is happening there. This is not about politics and I'm not  
a politician. This isn't a debate about First Amendment rights.  
This is about life or death. So we need a plan.

24 4.59 For approximately 30 minutes, Seattle Police and Fire Departments  
25 miscommunicated their locations and the procedures for providing the safety and care of  
26 Lorenzo Anderson. After approximately 30 minutes, the Seattle Police finally entered Capitol  
27

1 Hill neighborhood in Seattle that they had ceded to anarchists weeks earlier.

2 4.60 By that time, it was too late; Lorenzo had to be taken to the hospital by  
3 volunteers. With no assistance or rescue from Seattle first responders, Lorenzo Anderson died  
4 in agony from his wounds. His father, Horace Anderson was not even permitted to identify  
5 Lorenzo for approximately one week after his death.  
6

7 4.61 Had aid been rendered in a timely fashion, Lorenzo Anderson would be alive  
8 today. The gunshots Lorenzo received were non-fatal, indicating that Lorenzo bled to death.

9 4.62 Despite knowledge of the violence and chaos, Seattle leaders failed Lorenzo.  
10 The “Summer of Love” inevitably turned into the “summer of blood.” It took the predicable  
11 and preventable death of Lorenzo Anderson and others for Mayor Durkan to finally announce  
12 that Seattle would move in to take over governance of the “CHOP.”  
13

14 **V. LIABILITY**

15 **FIRST CAUSE OF ACTION**

16 **WRONGFUL DEATH AND SURVIVAL STATUTE ON BEHALF OF THE ESTATE**

17 **OF HORACE LORENZO DAESHAWN ANDERSON**

18 (Against all Defendants)

19 5.1 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
20 though fully set forth herein.

21 5.2 Plaintiffs sue in every capacity and for every element of damages to which  
22 they are entitled by reason of the matters made the basis of this suit, including damages under  
23 the Wrongful Death Act and the Survival Statutes of the State of Washington.

24 5.3 This suit is brought under the applicable statutes of the State of Washington by  
25 the designated beneficiaries under the statute for the death of Lorenzo Anderson.  
26  
27

1 5.4 Plaintiff is the father of Lorenzo Anderson. Lorenzo Anderson's causes of  
2 action survived to and in favor of his estate and heirs.

3 5.5 The Estate of Horace Lorenzo Daeshawn Anderson is entitled to recover  
4 damages for:

- 5 a. The pain, suffering, anxiety, fear, and emotional distress that decedent  
6 Lorenzo Anderson suffered prior to his death;
- 7 b. Loss of past and future earnings and income of Lorenzo Anderson;
- 8 c. The pre-death loss of enjoyment of life of Lorenzo Anderson;
- 9 d. Funeral expenses of Lorenzo Anderson; and
- 10 e. Others.

11 5.6 In addition, the Estate of Horace Lorenzo Daeshawn Anderson is entitled to  
12 exemplary damages based on Defendants' actions and inactions.

13 **SECOND CAUSE OF ACTION**

14 **WRONGFUL DEATH AND SURVIVAL STATUTE ON BEHALF OF HORACE**

15 **ANDERSON**

16 (Against all Defendants)

17 5.7 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
18 though fully set forth herein.

19 5.8 Plaintiffs sue in every capacity and for every element of damages to which  
20 they are entitled by reason of the matters made the basis of this suit, including damages under  
21 the Wrongful Death Act and the Survival Statutes of the State of Washington.

22 5.9 This suit is brought under the applicable statutes of the State of Washington by  
23 the designated beneficiaries under the statute for the death of Lorenzo Anderson.

24 5.10 Plaintiff is the father of Lorenzo Anderson. Lorenzo Anderson's causes of  
25 action survived to and in favor of his estate and heirs.

26 5.11 Horace Anderson is entitled to recover damages for:

- 1 a. The pain, suffering, anxiety, fear, and emotional distress that decedent  
2 Lorenzo Anderson suffered prior to his death;  
3 b. Loss of past and future earnings and income of Lorenzo Anderson;  
4 c. The pre-death loss of enjoyment of life of Lorenzo Anderson;  
5 d. Funeral expenses of Lorenzo Anderson; and  
6 e. Others.

7 5.12 In addition, Horace Anderson is entitled to exemplary damages based on  
8 Defendants' actions and inactions.

9 **THIRD CAUSE OF ACTION**

10 **NEGLIGENCE**

11 (Against all Defendants)

12 5.13 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
13 though fully set forth herein.

14 5.14 Under Washington law, Defendants had a duty to exercise ordinary care to  
15 protect against an unreasonable foreseeable risk of harm from the criminal acts of third parties  
16 and retain control over the security and safety of the area. Instead of taking steps to prevent  
17 danger, **Defendants created a zone of danger** in which Lorenzo Anderson was shot and killed.

18 5.15 Defendants breached their duty by:

- 19 a) Failing to provide adequate security for citizens in the CHOP area and instead,  
20 creating a zone of danger.  
21 b) Failing to provide adequate deterrent measures and equipment in the area to  
22 prevent the incident.  
23 c) Failing to maintain the area.  
24 d) Failing to implement an adequate safety and security plan for crime in the CHOP  
25 area.  
26  
27

1 e) Failing to adequately or properly advise emergency response teams of the exact  
2 location of Lorenzo Anderson.

3 f) Failing to adequately or properly advise emergency response teams to locate and  
4 assist Lorenzo Anderson.

5 5.16 Defendants were aware of the pattern of crime in and around CHOP, yet  
6 Defendants failed to use reasonable measures designed to deter and/or prevent crime.

7 5.17 Defendants were aware of Lorenzo Anderson's need for medical care, yet failed  
8 to advise emergency response teams of his exact whereabouts, and failed to direct emergency  
9 response teams to enter the area and assist Lorenzo Anderson.

10 5.18 Defendants' negligence by way of each of these acts and/or omissions, whether  
11 taken singularly or in any combination, was a proximate cause of Plaintiffs' injuries.

12 **FOURTH CAUSE OF ACTION**

13 **PREMISE LIABILITY**

14 (Against all Defendants)

15 5.19 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
16 though fully set forth herein.

17 5.20 Defendants, as owners and possessors, managers and operators of the CHOP  
18 area, had a duty to exercise ordinary care to keep the premises in a reasonably safe  
19 condition.

20 5.21 Lorenzo Anderson was a resident of King County, where the CHOP area was  
21 located.

22 5.22 Defendants' duties included protecting residents from unreasonable risk of  
23 harm, warning them of the risks so they may avoid them, and avoiding injury to them caused  
24 willfully, wantonly, or through gross negligence.

25 5.23 Based on the extensive history of violence and other criminal activity at CHOP,  
26 Defendants knew or should have known there was an unreasonable risk of harm to all people.  
27



1 Defendants knew or should have known that they lacked adequate security, and that by such  
2 act or omission posed an extreme danger and risk of harm to its residents.

3 5.24 Defendants breached their duty of ordinary care by:

- 4 a) Failing to adequately warn of the threat of violence and criminal activity
- 5 b) Failing to take reasonable security precautions to make the premises safe
- 6 from the risk of violence and criminal activity
- 7 c) Creating an environment which attracts criminals who seek to prey upon
- 8 residents
- 9 d) Failing to respond to criminal activity allegations

10 5.25 Defendants owed a duty to invitees to use ordinary care to protect those who  
11 may be harmed by criminal acts of third parties as Defendants knew or had reason to know of  
12 an unreasonable and foreseeable risk of harm.

13 5.26 The criminal activity that took place was foreseeable based on factors including:  
14 previous crime, proximity of the crimes, recentness of the crimes, frequency of the crimes, and  
15 publicity of the crimes. Id at 15. Anderson was a foreseeable victim. Defendants had significant  
16 knowledge of how dangerous the CHOP area was, including the history of violent crimes and  
17 other criminal activity, yet did nothing to provide warning or protection of the area.

18 5.27 As a direct result of the acts and/or omissions of Defendants, Plaintiffs have  
19 sustained damages. As a direct result of Defendants' failure to exercise ordinary care in keeping  
20 their premises in a reasonably safe condition, Lorenzo Anderson was murdered in cold blood.  
21 The conduct of Defendants therefore constitutes premises liability, which is the proximate cause  
22 of actual damages to Plaintiffs in an amount within the jurisdictional limits of this Court, for  
23 which Plaintiff seeks judgment.

24 ///

25 ///

26 ///

27 ///

1 **FIFTH CAUSE OF ACTION**

2 **NEGLIGENT UNDERTAKING**

3 (Against all Defendants)

4 5.28 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
5 though fully set forth herein.

6 5.29 A person who undertakes gratuitously to render services to another for the  
7 protection of the other's person or things is subject to liability for physical harm his failure to  
8 exercise reasonable care to perform such an undertaking if his failure to exercise reasonable  
9 care increases the risk of such harm, or if the harm is suffered because of the other's reliance  
10 upon the undertaking.

11 5.30 Defendants assumed a duty to exercise reasonable care for the protection of  
12 invitees, including Lorenzo, which extends beyond the usual, ordinary, invitee context, based  
13 on the facts of this case. Defendants breached its duties by not exercising ordinary care as  
14 described above.

15 5.31 As a proximate cause of these failures by Defendants to exercise ordinary care,  
16 the risk of Lorenzo Anderson being injured increased and Anderson was injured as a result of  
17 his reliance on Defendant's failure to exercise ordinary care during their negligent  
18 undertakings.

19 **SIXTH CAUSE OF ACTION**

20 **PROCEDURAL DUE PROCESS**

21 (Against all Defendants)

22 5.32 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
23 though fully set forth herein.

24 5.33 Plaintiffs have constitutionally protected property rights, as defined by  
25 Washington State law, to exclude others from their property via public rights-of-way.

26 5.34 The City has infringed on those rights, including by creating, assisting,  
27 endorsing, and encouraging an indefinite, unpermitted occupation and blockade of the public

1 streets, sidewalks, and parks in and around CHOP, and by creating, assisting, endorsing, and  
2 encouraging the pervasive vandalism and trespasses against residents' properties.

3 5.35 The City has infringed on Plaintiffs' constitutionally protected rights without  
4 providing Plaintiffs with any due process before depriving them of these rights, or providing  
5 any recourse following the deprivation of the rights. In particular, the City provided Plaintiffs  
6 with no notice or opportunity to be heard before or after denying the Plaintiffs of their rights  
7 to access the CHOP zone, use the properties, and exclude others from their properties.

8 5.36 The City has done so pursuant to City policy as created, ratified, and authorized  
9 by City policymakers, including Mayor Durkan, without any notice to Plaintiffs or opportunity  
10 for them to be heard.

11 5.37 Plaintiffs have been harmed by this deprivation, including through lack of  
12 emergency services, which ultimately lead to Lorenzo Anderson's death.

### 13 **SEVENTH CAUSE OF ACTION**

#### 14 **DISCRIMINATION**

15 (Against all Defendants)

16 5.38 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
17 though fully set forth herein.

18 5.39 The Washington Law Against Discrimination (WLAD) prohibits discrimination  
19 and preserves "[t]he right to be free from discrimination." RCW 49.60.030(1). It is an exercise  
20 of the police power of the state for the protection of the public welfare, health, and peace of the  
21 people of this state, and in fulfillment of the provisions of the Constitution of this state  
22 concerning civil rights. In enacting this act the legislature found that discrimination threatens  
23 not only the rights and proper privileges of this state's inhabitants but menaces the institutions  
24 and foundation of a free democratic state. RCW 49.60.010.

25 5.40 "The right to be free from discrimination" includes "[t]he right to the full  
26 enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of  
27 public resort, accommodation, assemblage, or amusement." Id.; accord RCW 49.60.215.

1 5.41 In bringing suit under WLAD, the plaintiff “assumes the role of a private  
2 attorney general, vindicating a policy of the highest priority.”

3 5.42 Public streets and sidewalks are places of public accommodation and  
4 assemblage. RCW 49.60.040(2).

5 5.43 Defendant City of Seattle deprived Plaintiffs of the “accommodations,  
6 advantages, facilities, or privileges of [a] place of public resort, accommodation, assemblage,  
7 or amusement,” in violation of RCW 49.60.030(1)(b).

8 5.44 The actions of the Defendants by way of each of these acts and/or omissions,  
9 whether taken singularly or in any combination, was the proximate cause of Plaintiffs’ injuries  
10 and damages.

11 **EIGHTH CAUSE OF ACTION**

12 **COMMUNICATING FALSE OR DEROGATORY INFORMATION**

13 (Against all Defendants)

14 5.45 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
15 though fully set forth herein.

16 5.46 Seattle Municipal Code 14.12 prohibits “Communicating information known to  
17 be false or derogatory with the intention of disrupting any lawful political or religious activity  
18 in violation of subsection 14.12.280.B....”

19 5.47 SMC 14.12.350 provides a cause of action against the City for injuries  
20 proximately caused by departmental personnel willfully in the scope and course of their duties  
21 violating this code.

22 5.48 The above-described conduct by Defendant City of Seattle (through the SPD)  
23 violated SMC 14.12.

24 5.49 As a direct and proximate result of these violations, Plaintiffs suffered damages.

25 ///

26 ///

27 ///

1 **NINTH CAUSE OF ACTION**

2 **NUISANCE**

3 (Against all Defendants)

4 5.50 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
5 though fully set forth herein.

6 5.51 As a direct result of the City's actions, foot and vehicular traffic on the public  
7 streets, sidewalks, and other right of ways surrounding Plaintiffs' businesses and residences  
8 were physically blocked and/or impeded.

9 5.52 The blocking and impeding of foot and vehicular traffic has substantially and  
10 unreasonably interfered with Plaintiffs' use and enjoyment of their properties, including by  
11 blocking access to those properties and has caused harm to Plaintiffs.

12 5.53 The City has directly participated in the creation and maintenance of this  
13 nuisance, including by providing concrete barriers to be used for this specific purpose to the  
14 CHOP participants.

15 5.54 In addition to blocking public rights-of-way, the City's actions have created and  
16 maintained a series of unlawful and/or unreasonable conditions throughout the CHOP area,  
17 including excessive noise, public safety hazards, vandalism, and poor health and sanitation  
18 conditions.

19 5.55 These conditions have annoyed, injured, and endangered the comfort, repose,  
20 health, and safety of Plaintiffs, causing the death of Anderson.

21 **TENTH CAUSE OF ACTION**

22 **SUBSTANTIVE DUE PROCESS**

23 (Against all Defendants)

24 5.56 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
25 though fully set forth herein.

26 5.57 Plaintiffs have a right pursuant to substantive due process to be protected from  
27 state-created dangers.

1 5.58 The City’s actions, assistance, endorsements, and encouragements of CHOP and  
2 CHOP participants have greatly increased the likelihood of property damage, personal injury,  
3 and other damages to Plaintiffs, as well as created an actual particularized danger to Plaintiffs.

4 5.59 All damages suffered, and still to be suffered, by Plaintiffs were and are  
5 foreseeable.

6 5.60 The City has acted with deliberate indifference to the known and obvious harm  
7 that would be suffered by Plaintiffs.

8 **ELEVENTH CAUSE OF ACTION**

9 **CONCEALMENT**

10 (Against all Defendants)

11 5.61 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
12 though fully set forth herein.

13 5.62 Defendants deprived Horace Anderson the right to view and claim his son’s  
14 body for an entire week after his death.

15 5.63 Defendants’ actions constitute an unlawful concealment, which has caused  
16 Plaintiffs economic harm, physical harm, and emotional harm.

17 **VI. DAMAGES**

18 6.1 Plaintiffs re-allege and incorporate by reference all prior paragraphs above as  
19 though fully set forth herein.

20 6.2 Plaintiff Estate of Horace Lorenzo Daeshawn Anderson seeks to recover all  
21 damages recoverable under Washington Law, including but not limited to all damages  
22 recoverable by it under Washington’s general survival statute (RCW 4.20.046), under any other  
23 statutes contained in RCW Chapter 4.20, or under any other Washington statutory law or  
24 common law. Damages sought to be recovered by plaintiff Estate of Horace Lorenzo Daeshawn  
25 Anderson include but are not limited to:

- 26 a. The pain, suffering, anxiety, fear, and emotional distress that decedent  
27 Lorenzo Anderson suffered prior to his death;

- b. Loss of past and future earnings and income of Lorenzo Anderson;
- c. The pre-death loss of enjoyment of life of Lorenzo Anderson;
- d. Funeral expenses of Lorenzo Anderson; and
- e. Others.

6.3 Plaintiff Horace Anderson is the father of the deceased, Lorenzo Anderson. Consistent with Washington law, the personal representative of the Estate of Horace Lorenzo Daeshawn Anderson on behalf of Plaintiff Horace Anderson seeks to recover all damages recoverable under Washington law, including but not limited to under Washington's wrongful death statute (RCW 4.20.020), under Washington's special survival statute (RCW 4.20.060), under any other statutes contained in RCW Chapter 4.20, or under any other Washington statutory law or common law. Damages sought on behalf of Horace Lorenzo and each of the plaintiff children include but are not limited to:

- a. The past and future loss of love, affection, care, companionship, support, services, protection, guidance, training and consortium;
- b. The past and future economic loss to each plaintiff caused by the death of Lorenzo Anderson; and
- c. Others.

## VII. REQUEST FOR RELIEF

WHEREFORE, based on all allegations stated above, each plaintiff named herein seeks judgment against each and all defendants, individually and as a marital community, and jointly and severally, as follows:

1. For an award of damages in favor of plaintiff Estate of Horace Lorenzo Daeshawn Anderson related to all injuries, damages and losses sustained by the Estate of Horace Lorenzo Daeshawn Anderson, as described herein, in an amount not presently known and which will be proven at the time of trial;

1           2.     For an award of damages in favor of plaintiff Lorenzo Anderson related to all  
2 past and future injuries, damages and losses sustained by Lorenzo Anderson, as described  
3 herein, in an amount not presently known and which will be proven at the time of trial;

4           3.     For an award of damages in favor of plaintiff Horace Anderson related to all past  
5 and future injuries, damages and losses sustained by Horace Anderson, as described herein, in  
6 an amount not presently known and which will be proven at the time of trial;

7           4.     For an award of damages in favor of plaintiff related to all past and future  
8 injuries, damages and losses sustained by plaintiff, as described herein, in an amount not  
9 presently known and which will be proven at the time of trial;

10          5.     For an award of prejudgment interest as applicable under Washington law with  
11 respect to plaintiffs' damages as described herein;

12          6.     For an award of attorneys' fees and costs incurred by plaintiffs in bringing this  
13 lawsuit as recoverable under Washington law; and

14          7.     For such other relief that the Court deems equitable and just.

15  
16         DATED:  
17                 11/02/2021

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