

NOTICE OF CLAIM AGAINST THE CITY OF TOMBSTONE
pursuant to A.R.S. Sec. 12-821
(and other applicable laws)

These Notices of Claim are made pursuant to A.R.S. § 12-821.01. These claims although appearing in this singular document are in fact, separate Notices of Claim, made, *seriatim*, against the City of Tombstone, Tombstone Marshal and Tombstone Marshal's Deputy James Norris, Jr.

These claims are set forth in a singular document in a manner analogous to the filing of a lawsuit in which there may be more than one defendant claimed against. This approach is taken here for ease of understanding and for the convenience of those persons evaluating these claims. Nevertheless, in accord with A.R.S. sect. 12-821.01(A), there appear below for each claim, i.e. against the City of Tombstone, Tombstone Marshal's Office and Deputy James Norris, Jr. "a specific amount for which the claim [against each entity/person] can be settled and the facts supporting that amount."

Names of Claimants: 1. Jennifer and Bobby King Home Phone: 1. (520)678-1█████

Jennifer and Bobby King are the statutory beneficiaries for the wrongful death claim of Cameron King, and bring this claim pursuant to A.R.S. § 12-611, and § 12-612, as well as 42 U.S.S. §§ 1983 and 1988 .

Address: 1. 1873 E. Ridge Pl. Business Phone: N/A
 Tombstone, AZ 85638

Claim Facts:

1. Date of occurrence: 10-6-12 Time of day: approximately 3:30 a.m.
2. Place (address, intersection, etc.): 1287 N. Camino San Rafael
 Tombstone, AZ 85638
3. Circumstances (i.e. what happened):

The following information is based on our investigation to date. We reserve the right to supplement this Notice of Claim as we learn more information and uncover more legal theories. The Tombstone Marshal's Office is in a far better position to know the factual foundation of Cameron King's death than are the King family members. The following information is based on the Cochise County Sheriff's Department's Investigative Report, including any and all other reports supplied to the King family counsel by the Cochise County Sheriff's Department when

investigating this matter. The King family has requested all investigative materials related to this incident from the City of Tombstone. To date nothing has been received.

Relevant Facts

On October 6, 2012, Tombstone Marshal's Deputy James Norris responded to an alleged burglary at 1287 N. Camino San Rafael in Tombstone, Arizona approximately 40 minutes after a 911 call was received. The resident, Kara Bales, called 911 claiming that somebody was breaking into her residence. No officer was immediately available to respond, but approximately 40 minutes after the 911 call was placed, Tombstone Marshal's Deputy James Norris arrived at the scene, along with two U.S. Border Patrol Agents, Agent K. Stack (#W223) and Agent A. Ryder (#W172).

After they arrived at the scene, the two Border Patrol agents went to the back of the residence while Deputy Norris went to the front door. Deputy Norris stated that he observed a male open, and then shut and lock the front door. Deputy Norris then went to the back of the residence and entered the residence with one of the Border Patrol agents. The lights were out in the home so Deputy Norris was using his flashlight for illumination. When Deputy Norris entered the master bedroom he observed guns and ammunition strewn about the room. He cleared the master bedroom, and proceeded into the master bathroom. As he entered the bathroom Deputy Norris stated that he consciously moved his finger from the handle of his gun to the trigger of the gun. When Deputy Norris entered the master bathroom of the residence, he opened a closet door and located Kara Bales crouched down. He asked "where is he?". Deputy Norris stated that Ms. Bales responded by pointing to the other closet door in the bathroom. Deputy Norris then closed the door with Kara still inside the closet. Deputy Norris did not escort Kara Bales outside or continue to clear the residence. Instead, he proceeded to open the closet door that Kara Bales had indicated the intruder was in. When he opened the door, Deputy Norris stated that he saw a male subject standing inside allegedly pointing a gun (Derringer) at him. Without hesitation and with no verbal warning, Deputy Norris immediately fired his weapon six times at Cameron King. After he was done firing his weapon at Cameron King, Deputy Norris told him to "get down." As Cameron collapsed to the ground he uttered his final words, "I'm down." Deputy Norris then pulled Cameron out of the closet and into the bathroom. After Cameron King had been shot, Kara Bales was escorted out of the residence by the two Border Patrol Agents. (See Exhibit 1, Cochise County Sheriff's Office Report #12-16004).

As a result of the shots fired by Deputy Norris, Cameron King suffered fatal injuries. By the time EMS personnel responded to the residence, Cameron King had no active bleeding, no pulse, and his body was pale and cool to the touch. The EMS stated that it was obvious that he was dead. Cameron King was formally pronounced dead at St. Joseph's Hospital in Tucson, Arizona.

Claimants Jennifer and Bobby King were the natural parents of decedent Cameron King and bring this claim pursuant to A.R.S. §12-611. Both are statutory beneficiaries pursuant to A.R.S. §12-612 and submit this claim against the City of Tombstone, the Tombstone Marshal's Office and Tombstone Marshal's Deputy J. Norris, Jr. as such beneficiaries. Their measure of damages can be found at A.R.S. §12-613.

4. So you claim your property was damaged? If so, a) describe the property, b) describe the damage to the property, and c) state the amount in dollars of the damage to the property you claim to have incurred (attach estimates, appraisals, repair bills if available. ATTACH ADDITIONAL PAGES IF NECESSARY.

N/A

5. Do you claim to have suffered from any bodily injuries? If so, a) describe the nature of the injury, b) indicate when you first became aware of the injury, c) state the name and address of any doctors or other medical practitioners who have treated you for the injury, and d) state the amount of any medical expenses you have incurred for treatment of the injury (attach copies of bills or receipts for payment if available). ATTACH ADDITIONAL PAGES IF NECESSARY

Cameron King suffered from multiple gunshot wounds, including one to the neck, chest, left wrist, and right thigh. As a result of the gunshot wounds, Cameron King suffered fatal injuries. The medical examiner determined that multiple gunshot wounds were the cause of Cameron's death and that the manner of death was homicide. (See Exhibit 2, autopsy report from Pima County Forensic Science Center).

As a result of Cameron King's death, the Claimants, Jennifer and Bobby King, mother and father of Cameron King, lost his love, affection, companionship, comfort, society, and consortium (since his death and in the future), and they have suffered, and will continue to suffer, severe anguish, sorrow, stress, pain, shock, emotional distress, and personal suffering. The value of the personal losses sustained by the Claimants are substantial.

The following is what Jennifer and Bobby King had to say about the loss of their son:

On August 27, 1997 our family was blessed with our fourth and youngest child. We named him Cameron Alexander King. From the moment we saw him he had stolen our hearts with his blond hair and hazel eyes. Cameron was a joy to have around, he was such an easy baby to take care of. He rarely cried and was always a very happy joyful child. He was our baby boy. The time seemed to fly by and before you knew it, Cameron was swimming by the age of 3, with a pet collection that included lizards, horny toads, countless insects and little creepy crawly things. He was a typical boy, who grew up quickly.

In school, field trips and bake sales and homework centered around our busy work and family schedule. Family outings included family barbecues and picnics to the mountains. Though we were busy, we were a very happy family.

Cameron grew up naturally coordinated, from sports to bikes, motorcycles to your neighborhood hacky sack session. He was adept in learning and understanding, in his favorite hobbies and in life itself. He was the caretaker of family, neighbors and friends. He had a kind spirit, making sure everyone had what they needed, from lunch money, a shirt or a hat, to a place to sleep or eat. These are some of the countless things we will miss about our son. There is and never will be enough words to express how much his death has devastated everyone of us. There is a huge void

and impact in each family member and friends heart, and deep sorrow of such a young life taken tragically.

A family decision was made to dig the grave by hand. Stone by stone. This was the last thing we as a family could do for him, hard and honest work, with blood sweat and tears. That was the last gift Cameron would ever receive from us.

Reality now sets in. Thanksgiving, Christmas, New Years, Birthday to now Valentines and Easter. We realize our Cameron will miss all of this and the void in our hearts deepens with such great sorrow. As the days and months go by it is difficult knowing that we will never see the man he should of become, see the father or husband he would have become, or see the grandchildren we would have loved so much. Now his nephew Brayden will never remember him on his own, or any of his future nieces or nephews. Reality has now hit us hard.

So when the seasons change and the holidays come and go, we decorate his grave accordingly and visit regularly. This is all we can do for him now, so we light candles for him so that if he strays, our love for him will light the way.

Our family is now adjusting financially from full time employment to side jobs just to make ends meet. Bobby King was employed by the City of Tombstone public works department. The fact that the City of Tombstone is often required to work hand in hand with Tombstone Marshal's Office and other officials was so completely unbearable to me (Bobby). It was a struggle to have any dealings with the person that took my son's life, and was hard to avoid Deputy Norris since we were both employed by the city.

But we will push on emotionally and spiritually knowing we have Cameron in our hearts and prayers, but also knowing that we will never see him again, never to see him laugh, or cry, ride a bike, rap a song, or for Cameron to hear the words I love you son!
We will miss him for as long as we live.

Claimant Jennifer King is willing to settle her wrongful death claims for 2.5 million (See Sections 3, 6 and 7 for facts supporting that amount). This amount is only for settlement purposes, and should be considered an offer to settle this matter pursuant to Rule 408, Az. Rules of Evidence. That amount is an offer to settle this matter individually to the City of Tombstone, Tombstone Marshal's Office, and/or Deputy Norris, Jr., however, payment of that amount from any of those entities or persons will settle the matter in its entirety.

Claimant Bobby King is willing to settle his wrongful death claims for 2.5 million (See Sections 3, 6 and 7 for facts supporting that amount). This amount is only for settlement purposes, and should be considered an offer to settle this matter pursuant to Rule 408, Az. Rules of Evidence. That amount is an offer to settle this matter individually to the City of Tombstone, Tombstone Marshal's Office, and/or Deputy Norris, Jr., however, payment of that amount from any of those entities or persons will settle the matter in its entirety.

6. Cause of damages and/or injuries:

The claimants are still investigating this matter and have not yet obtained all relevant

documentation, information from the relevant entities, and have not yet questioned all witnesses or consulted with all necessary experts. Despite the foregoing, based upon the information known at this time, the incident and the death of Cameron King was caused by the use of excessive force, failure to use best practices, failure to follow policies and procedures, and/or negligence of the City of Tombstone, Tombstone Marshal's Office, and/or Deputy James Norris, Jr.. Deputy Norris failed to use reasonable care when interacting with Cameron King when he used unreasonable force by shooting Cameron King multiple times, causing fatal injuries. Less lethal means were available but were not considered or used. The City of Tombstone, the Tombstone Marshal's Office, and/or Deputy Norris, Jr. knew or should have known that the administration of a weapon in this situation and the method of administration constituted excessive force. The City of Tombstone and/or the Tombstone Marshal's Office is responsible for the acts of its police officers pursuant to the doctrine of *respondeat superior*. In addition, the City of Tombstone, and the Tombstone Marshal's Office failed to adequately train, supervise and/or retain said officers on the proper use of force, including but not limited to, the appropriate methods for dealing with a hostage situation, responding to burglary calls, and/or dealing with an armed suspect.

7. Reasons why Defendants are responsible for your damages and/or injuries:

Cameron King had constitutional rights that were violated when the City of Tombstone, Tombstone Marshal's Office, and/or Deputy James Norris acted under the color of law and used unreasonable and excessive force thereby violating his right to not be deprived liberty without due process. The City of Tombstone, Tombstone Marshal's Office, and/or Deputy James Norris have adopted policies, procedures, practices or customs that allow, among other things, the use of excessive force when other more reasonable and less drastic methods are available. The actions of said persons and entities amount to a deliberate indifference to the rights of Claimants and decedent Cameron King to be free of excessive force and unreasonable seizure under the 4th and 14th Amendments to the Constitution of the United States and like provisions under the Constitution of the State of Arizona. Defendants also, under the color of law falsely arrested decedent and caused Cameron King to suffer deprivation of his Constitutionally protected civil rights, actionable under 42 U.S.C. §§ 1983 and 1988, and under the ADA, pursuant to 42 U.S.C. § 12133 and like provisions under the Constitution of the State of Arizona, by the use of excessive and unnecessary force. In balancing the intrusion of Cameron King's 4th Amendment interests and the countervailing government interests at stake, it is clear that excessive force was used. The illegal conduct of the City of Tombstone, Tombstone Marshal's Office, and/or Deputy James Norris constituted malicious conduct and was willful, deliberate, malicious, and/or was with reckless disregard for Mr. King's Constitutional rights, particularly his 4th Amendment rights, and his physical well-being. As a result therefore, the City of Tombstone, the Tombstone Marshal's Office and Deputy James Norris are liable to Claimants for an additional sum designated as punitive damages. As a result of the injuries and damages which the named entities did cause Cameron King to actually and proximately suffer on October 6, 2012, the City of Tucson, Tombstone Marshal's Office and/or Deputy James Norris are liable to Claimants for lawful interest accruing from that date on that sum fixed as damages in this case from the date of death and also post-judgment, until paid in full. Pursuant to 42 U.S.C. sect. 1988 and the ADA, 42 U.S.C. sect. 12205, the City of Tombstone, the Tombstone Marshal's Office and Deputy

James Norris, Jr. in the event Claimants prevail at trial, are liable to Claimants for attorney's fees and costs.

Deputy James Norris of the Tombstone Marshal's Office was not adequately trained, monitored, supervised and investigated by the City of Tombstone. He was not trained in the appropriate use of force. In addition, Deputy Norris had cause to believe that his actions would not be properly monitored by supervisory officers and that their police misconduct would not be investigated or sanctioned, but instead would be tolerated. Thus, the City of Tombstone and/or the Tombstone Marshal's Office is liable to Claimants for damages for their actional conduct which demonstrated a deliberate indifference on the part of these defendant policy makers, to the Constitutional rights of persons who might come into contact with the policy agency's respective police officers, and are further liable for such officers' failure to train and implement police officer conduct intended for the fulfillment of and adherence to the requirements of applicable laws.

Police officers in dealing with members of the public are charged with a duty to exercise reasonable care in their conduct, so as to avoid injury to members of the public. If a police officer fails to conform his conduct to such duty of care, given the circumstances then and there present, and damages actually and proximately result to another from such unreasonable police officer conduct, then the unreasonably acting police officer is liable to that other injured person for his injuries. In this case, Deputy James Norris, Jr. did act unreasonably in his dealings with Cameron King and as an actual proximate result of such negligence, caused his premature death. The conduct of Deputy Norris, Jr. as described above was extreme and outrageous, in that, besides his extreme and outrageous conduct, he intended to cause Cameron King emotional distress or recklessly disregarded the near certainty that such distress would result to Cameron King from his conduct and, in fact, death did indeed result to Cameron King from his conduct. As an actual and proximate result of such conduct, the City of Tombstone, Tombstone Marshal's Office, and/or Deputy Norris, Jr. are liable to Claimants for their damages as a result of the wrongful death of Cameron King.

At all times mentioned herein, Deputy James Norris was acting within the course and scope of his employ for the City of Tombstone, and/or the Tombstone Marshal's Office. Under the doctrine of *respondeat superior*, the City of Tombstone and the Tombstone Marshal's Office is liable for the tortious conduct of their officers. As an actual and proximate result of the aforementioned *respondeat superior* liability, the City of Tombstone, and/or the Tombstone Marshal's Office is liable for the wrongful death of Cameron King, and the damages sustained by Claimants as a result of said death.

8. List names and address of a) witnesses, b) parties, and c) treating physician(s):

- a) Jennifer and Bobby King
c/o Jacoby & Meyers Law Offices
2343 E. Broadway Blvd., Suite 112

Kara Bales

1287 N. Camino San Rafael
Tombstone, AZ 85638

Elizabeth Sheldon
1301 Camino San Rafael
Tombstone, AZ 85638

Brent Grucella
1301 N. Camino San Rafael
Tombstone, AZ 85638

Deputy James Norris, #T-3
Tombstone Marshal's Office

Joseph Hernandez, #W111
U.S. Border Patrol

Alan Ryder, #W172
U.S. Border Patrol

Kevin Stack, #W223
U.S. Border Patrol

Jaron Monholland, #V13
U.S. Border Patrol

Brian Levin, #CAP00649
U.S. Border Patrol/CIT

Michael Sears
Healthcare Initiatives (EMT)

Joe Graminski
Healthcare Initiatives (Paramedic)

Andrea Jackson, #T-2
Tombstone Marshal's Office

Billy Cloud
Tombstone Marshal's Office

Damian Barron, #311
Sierra Vista Police Department

Justin Butler, #363
Sierra Vista Police Department

Jon Kosmider, #161
Sierra Vista Police Department

Tom Ransford
Sierra Vista Police Department, #354

M. Anderson, #331
Sierra Vista Police Department, #331

B. Williams
Benson Police Department

John Monroe, #0727
Cochise County Sheriff's Office

D. Norton, #0723
Cochise County Sheriff's Office

Marc Denney
Cochise County Sheriff's Office

A. Werkheiser
Cochise County Sheriff's Office

Sean Gijanto, #0210
Cochise County Sheriff's Office

John Gjerde, #0422
Cochise County Sheriff's Office

Bellardo Villalobos
Espinosa Funeral Home
Espinosa Funeral Home
1904 W. Highway 92
Bisbee, AZ 85603

Christy Page
Espinosa Funeral Home
1904 W. Highway 92
Bisbee, AZ 85603

b) Parties

- a) Jennifer and Bobby King
c/o Jacoby & Meyers Law Offices
2343 E. Broadway Blvd., Suite 112

Tucson, AZ 85719

Deputy James Norris
Tombstone Marshal's Office
315 E. Fremont Street
Tomstone, AZ

Tombstone Marshal's Office
315 E. Fremont Street
Tomstone, AZ

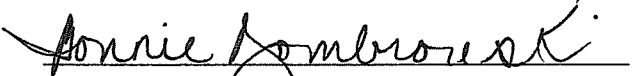
City of Tombstone

c) Treating Physicians (of Cameron King)

Cynthia Porterfield, D.O.
Forensic Pathologist
Pima County Medical Examiner
2825 E. District Street
Tucson, AZ 85714

I, the undersigned, do solemnly swear or affirm that all of the above statements by me are true to the best of my knowledge and belief.

3/27/13
Date


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