

On or about January 19, 2002, at approximately 11:00 A.M., near the corner of Pacific and Pine Avenues in Long Beach, California, several heretofore unknown peace officers employed by the Long Beach Police Department, surrounded Marcella Byrd, who had been a suspect in a shoplifting incident at a nearby market. At that time and place said officers, without justification or excuse, summarily executed Marcella Byrd by firing their guns and striking her with several bullets causing her death.

As a legal result of these actions, or the negligent and/or intentional conduct described above, claimants have been severely injured in their mind and body, all in an amount to be determined according to proof at trial. As a further legal result of the actions and negligent and/or intentional conduct as described above, claimants have been forced to incur hospital, medical, burial and other related expenses, all in an amount to be determined according to proof at trial.

At all relevant times mentioned here in, each of the Long Beach Police Department officers was working within the course and scope of his employment with the City of Long Beach, and in doing the things alleged here, was acting with the consent and permission of each of his co-defendants.

The claimants also contend that the City of Long Beach negligently hired, trained, managed, and/or supervised each of the Long Beach Police Department officers involved in this incident, leading to actions, failures to act and negligent conduct as alleged here.

In addition, the City knew, or through the exercise of reasonable diligence should have known, that each of the involved Long Beach Police Department officers who shot at and brutally wounded the decedent Marcella Byrd was an aggressive and dangerous officer, who posed a threat of danger to members of the public, including the decedent Ms. Byrd.

Based on the actions and failures to act by each of the officers as described above, claimants will bring causes of action for wrongful death, assault and battery, negligence in several different respects, intentional infliction of emotional distress, conspiracy and violation of Federal and state civil rights laws.

D. General Description of the Indebtedness, Obligations, Injury, Damage or Loss so far as it is presently known:

See response to Section C above.

E. The Names of the Public Employees causing the injury, damage or loss:

It is unknown at this point the names and badge numbers of the officers involved in the incident.

F. The Amount Claimed:

Twenty Five Million Dollars (\$25,000,000.00).

DATED: January 28, 2002

Law Office of JOHN E. SWEENEY