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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

Sergio Nino, III, an individual, Plaintiff, v. City of Phoenix, a public entity; Officer Blake Willer and Jane Doe Willer, a married couple; Officer Kristofer Gries and Jane Doe Gries, a married couple; Officer Matthew Smith and Jane Doe Smith, a married couple, Defendants.	No. **CV2025-039306** **COMPLAINT AND JURY DEMAND** **TIER 3**

For his complaint, Plaintiff alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Sergio Nino is an individual residing in Texas. At all times material to this complaint, Sergio Nino resided in Maricopa County, Arizona.

2. Defendant City of Phoenix is a public entity, formed and designated as such, pursuant to Title 9 of the Arizona Revised Statues and, as permitted by state and federal law, may be held independently of vicariously liable, or otherwise responsible, for the wrongful conduct of its division, agents, officers, and employees.

3. Defendants Blake and Jane Doe Willer are a married couple residing in Maricopa County.

4. Defendants Kristofer and Jane Doe Gries are a married couple residing in Maricopa County.

5. Defendants Matthew and Jane Doe Smith are a married couple residing in Maricopa County.

6. At all times material to this complaint, Defendants Willer, Gries, and Smith were agents of the City of Phoenix Police Department and acting within the course and scope of their employment and under the color of law.

7. Each of these Defendants' acts and omissions were done for the benefit and furtherance of their respective marital properties, if any. Plaintiff is unaware of the true names of these Defendants' spouses, if any, and has designated them as Jane Doe in the caption of this matter. The true names of the Defendants' spouses will be substituted upon discovery of the same.

8. This Court has jurisdiction over this matter pursuant to A.R.S. § 12-123.

9. Venue in this Court is proper because all of the acts and omissions relevant to the allegations in this complaint occurred in Maricopa County, Arizona.

GENERAL FACTUAL ALLEGATIONS

Sergio was a Minor When Police Officers Interacted with Him

10. On January 23, 2024, Sergio's father called the Phoenix Police Department to come to his house.[1]

11. Sergio was a 16-year-old teenager on the date of the incident.

12. When Officers Gries, Willer, and Smith arrived at his home, Mr. Nino told them that Sergio had been acting out by missing school and not wanting to give Mr. Nino his cell phone.

13. Mr. Nino also told the officers that Sergio had "a couple mental health issues."

[1] Sergio's father shares the same name as his son and is therefore referred to as "Mr. Nino" to avoid confusion.

14. The officers advised Mr. Nino to "drag [Sergio]" and "hit him."

15. They went on to tell Mr. Nino that "if you wish to beat him, beat him. If you wish to belt him, belt him," because Sergio "only has rights from the government. He has no rights from you."

16. They then advised Mr. Nino: "If he's gonna treat you like garbage, you treat him like garbage. Throw him out on the streets."

17. As the officers advise Mr. Nino to "beat" Sergio, Officer Gries chuckles and smirks at Officer Smith.

18. After 10 minutes of discussion with the officers, Mr. Nino asked: "So can you take his phone, then? Can you talk to him?"

19. Mr. Nino then took the officers to Sergio's room.

20. Again, the officers can be seen smirking at one another as Mr. Nino escorts them to Sergio's room.

21. The officers ordered Sergio to come out of his room. Sergio complied in a calm, non-aggressive manner.

22. When Sergio came out of his room, the officers immediately began to harass and demean him.

23. Sergio told the officers that his father abuses him.

24. To support Sergio's claims of innocence and parental abuse, Sergio asked his sister, who was 18-years-old at the time, to be part of the discussion with the officers.

25. Despite being mandatory reporters of child abuse pursuant to A.R.S. § 13-3620(A)(2), the officers outright dismissed Sergio, telling him that he had not been abused and that Mr. Nino can hit Sergio, tackle him, and verbally abuse him.

26. Meanwhile, Officer Gries justified Mr. Nino's abuse because Sergio was "acting like a little brat."

27. As Sergio tried to further explain Mr. Nino's physical abuse, Officer Willer told Sergio: "You have no rights" and "Your dad should beat you."

28. Sergio's sister confirmed Sergio's claim of abuse, but like Sergio, she was ignored and dismissed by the officers without showing any interest in, or making investigation into, the reported child abuse.

29. Then Mr. Nino asked for Sergio's phone.

30. Sergio explained that the phone was his own property, that he pays his own phone bill.

31. The officers ignored Sergio and threatened to use force to make Sergio give the phone to his father: "We can put handcuffs on you right now."

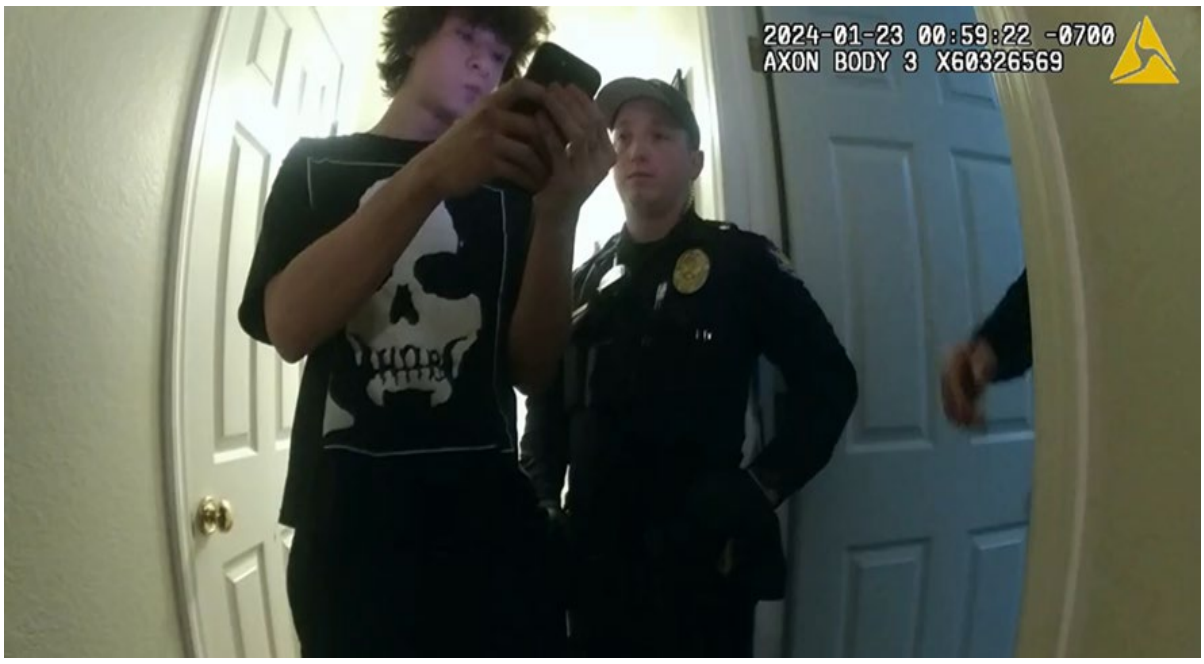
32. When Sergio inquired about the reason the officers believed he could be handcuffed, Officer Gries responded: "Just to detain you because you're being a little brat."

33. The officers then told Sergio: "Your dad can do any discipline he wants to you."

34. Sergio then asked the officers: "So my dad can physically abuse me?"

35. One of the officers responded, "yes."

36. Sergio then took out his phone and asked Officer Willer if he could record the interaction with the officers.



37. As depicted in the images below, Officer Willer abruptly snatched Sergio's phone out of his hands.

38. Surprised, Sergio turned to face Officer Willer and reached for his phone.

39. Sergio's conduct was non-violent and non-aggressive and was a natural, logical response under the circumstances.

40. Reasonable law enforcement officers could not have thought Sergio was assaulting them or otherwise posing any threat.

41. Immediately after Sergio turned towards Officer Willer, Officers Gries and Willer attacked Sergio.

42. The officers pummeled Sergio face down to the ground, causing a 3-centimeter laceration to Sergio's face, from which blood splattered all over the scene.

43. Sergio immediately cried out in pain and begged the officers to loosen the handcuffs around his wrists.

44. The officers ignored him.

45. In the few minutes it took the officers to move Sergio out of the house, Sergio told the officers the handcuffs were too tight more than 25 times.

46. The officers, who clearly heard Sergio's complaints, chose to ignore Sergio's injury, instead telling him that it was his fault that he was injured. For example, in response to Sergio telling the officers the handcuffs hurt his wrist and he was "losing circulation", Officer Willer told Sergio: "Well then you shouldn't have made bad choices."

47. Because Sergio was bleeding profusely from the laceration on his face, the officers took him to JCL Deer Valley for medical examination.

48. A nurse "noticed [Sergio] was tearful and complaining of pain[,]" and so she asked the officers to loosen Sergio's handcuffs.

49. The officers refused, claiming the handcuffs were not tight and that Sergio was "moving too much."

50. The nurse also relayed to the officers that Sergio was reporting that his father abused him.

51. Again, instead of taking the report of child abuse seriously, as they are statutorily required to do, the officers dismissed Sergio's claims of child abuse.

52. To justify their deliberate indifference to these repeated reports of child abuse, the officers wrote in their incident report that they "explained the circumstances" to the nurse and reported that Sergio had not made a prior claim of abuse, which was false.

53. When the nurse alerted the officers to the fact that Sergio's right wrist was swelling, the officers finally complied with the request to loosen the handcuff on Sergio's right wrist.

54. An X-ray taken at the hospital revealed that Sergio had a fractured wrist, for which he required surgery.

55. Following the incident, the officers admitted in their incident report that it was visually obvious that Sergio's right wrist "was limp when he was handcuffed and [when he was] on the ground" but that they failed to notice this fact—the same fact that Sergio brought to their attention more than 25 times.

56. Sergio was also treated for the 3-cm-long facial laceration caused by the officers when they slammed him into the floor.

57. He needed five sutures to repair this facial laceration and may be left with permanent facial scarring.

58. Sergio's wrist injury has hindered Sergio's ability to engage in daily activities, such as writing, working out, and playing video games.

59. To this day, Sergio's daily life has been limited by his wrist injury. Sergio continues to suffer from the injuries, the medical expenses, and their impact on his life.

60. There was no imminent threat to the officers' safety when they used excessive force on Sergio, a non-violent and unarmed minor, who had merely reached for his phone in a non-aggressive manner.

61. Contrary to the false statements made by the officers in their incident report, the body camera footage shows that Sergio did not ball his fists, lunge, or act aggressively during his interaction with the officers.

Officer Willer's Known Propensities

62. Officer Willer has been investigated for several different incidents based on civilian complaints regarding Officer Willer's conduct.

63. As his supervisors noted in his personnel file, Officer "Willer has received several other similar complaints throughout his career regarding 'rude' or 'unprofessional' behavior toward citizens and supervisors."

64. One of the incidents occurred in July 2023, when Officer Willer served an order of protection against a husband at a family home.

65. The wife, who was present at the time Officer Willer served her husband, told Phoenix PD that "she felt in danger because Officer Willer told her '[s]hut up' and told her if she spoke one more time she would go to jail, and he would give her children to DCS."

66. At some point during the incident, a witness in the home "asked Officer Willer to stop yelling because the children were very scared."

67. At the conclusion of the investigation, Phoenix Police Department officers spoke with Officer Willer, discussing "the importance of maintaining composure and not allowing emotions to get too elevated."

68. As a result of the incident, Officer Willer was mandated to discuss interpersonal communications with Dr. Robert Rossi, the Leadership and Curriculum Administrator for the Phoenix Police Department.

69. In May 2023, a civilian filed a similar complaint against Officer Willer.

70. Officer Willer was responding to a father's call regarding a family domestic dispute.

71. In arriving, Officer Willer pushed a 14-year-old girl to the ground to handcuff her.

72. The father protested Officer Willer's force against his 14-year-old daughter, which resulted in Officer Willer pushing the father, the person who originally requested the officers' presence, multiple times.

73. The father repeatedly told Officer Willer and the other officer that he did not want his daughter arrested and that she was suffering from mental health issues, but Officer Willer ultimately ignored the father, and continued on with arresting his 14-year-old daughter, stating : "Even after pleading with them they would not acknowledge their

error and release her instead offering to give a show of force to everyone for sake of intimidation."

74. In another incident, Officer Willer responded to a call regarding a mother's concern over her minor daughter's relationship with an adult.

75. Despite the mother's pleadings, Officer Willer "refused to verify the suspect's age and appeared unwilling to conduct an appropriate investigation."

76. The other officer on the scene contacted the suspect and verified that the suspect was an adult and subsequently arrested the suspect.

77. The Professional Standards Bureau investigated the incident and "noted Officer Willer was argumentative, dismissive, and reluctant to verify the suspect's age."

78. In the report, the investigators noted that the other officers' "decision to verify the suspect's age and to initiate a proper investigation likely prevented Officer Willer from neglecting his duties."

79. Several other incidents have resulted in civilian complaints against Officer Willer alleging he was "acerbic, belligerent and caustic", rude, played favoritism, did not allow for one party to share their side of the story, and treated victims as if they were not victims, resulting in additional policy violations with the Phoenix Police Department.

80. Officer Willer has been issued "supervisory counseling" multiple times as a result of the various complaints, investigations, and policy violations.

Officer Smith's Aggression

81. In July 2023, Officer Smith transported a 14-year-old girl to a clinic after she made self-harm statements.

82. When Officer Smith entered the 14-year-old girl's clinical room, the 14-year-old girl spit on Officer Smith.

83. Officer Smith then pushed the 14-year-old girl's neck and chest towards the bed and exited her clinical room.

84. "When he exited the room, he swung his right arm and struck the wall in the hallway with an open palm, causing a palm-sized hole in the drywall."

85. As a result of the incident, Officer Smith was issued a written reprimand.

CLAIMS FOR RELIEF

Count 1
(Fourth Amendment Violation – Excessive Force)
(42 U.S.C. §1983)
(Against All Defendants Who Interacted with Sergio)

86. Plaintiffs re-allege the previous paragraphs as though fully set forth herein.

87. At all times relevant to the allegations in this complaint, the Officer Defendants acted under the color of law.

88. The Fourt Amendment of the United States Constitution protects citizens from unreasonable, excessive force during searches and seizures.

89. The above-described actions and omissions of the Officer Defendants were objectively unreasonable and unrelated to any legitimate government objective.

90. It was unreasonable to use force against Sergio, a non-violent, non-threatening, and unarmed minor, who had merely reached for his phone in a non-aggressive manner.

91. The Officer Defendants who used force on Sergio knew he was a minor, and that he was non-violent.

92. At no point did Sergio pose, or purport to pose, a threat to the Officer Defendants.

93. In carrying out the above-described unlawful acts and omissions against Sergio, the Officer Defendants acted intentionally and with malice.

Count 2
(Battery)
(Against All Defendants)

94. Plaintiffs re-allege the previous paragraphs as though fully set forth herein.

95. In carrying out the above-described unlawful acts and omissions against Sergio, the Officer Defendants who interacted with Sergio acted intentionally to harm Sergio, with no legal purpose to do so.

96. In carrying out the above-described unlawful acts and omissions against Sergio, the Officer Defendants caused Sergio significant harm, including, but not limited to, a 3-cm long facial laceration, permanent facial scarring, a broken wrist which required surgery, and severe mental pain and suffering.

97. At all relevant times, the Officer Defendants who used force against Sergio were acting under the direct supervision and control of the City of Phoenix, who is vicariously liable for the actions of the Officer Defendants that interacted with Sergio.

98. As a direct result of the Officer Defendants' unreasonable conduct, Sergio has been harmed in an amount to be determined at trial by a jury.

RULE 26.2 TIER DESIGNATION

This is a Tier 3 case within the meaning of Rule 26.2, Ariz. R. Civ. P.

DEMAND FOR JURY TRIAL

Sergio demands a jury trial on all counts alleged herein.

PRAYER FOR RELIEF

WHEREFORE, Sergio prays for the following relief against the Officer Defendants as follows:

A. General and compensatory damages against each individually named Defendant as to all causes of action and claims alleged herein in an amount to be proven at trial and determined by a jury;

B. Punitive damages against each individually named Defendant on all causes and claims alleged herein where such damages are available by law in an amount to be proven at trial and determined by a jury;

C. Plaintiffs' costs and attorneys' fees against each individually named Defendant, pursuant to 42 U.S.C. §1988 and as otherwise provided by law; and

D. Any such other relief which the Court deems just and proper.

RESPECTFULLY SUBMITTED this 27th day of October, 2025.

ZWILLINGER WULKAN PLC

By: */s/ Larry J. Wulkan*
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ORIGINAL of the foregoing e-filed via AZTurboCourt this 27th day of October, 2025, to:

Clerk of the Court
Maricopa County Superior Court
101/201 West Jefferson
Phoenix, AZ 85003

/s/ Stephanie Dolfini