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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MOHAVE**
13

14 LYNNE SOWLES, DENISE BOWDON,
15 and CARL BOWDON, Personal
16 Representatives of the Estate of Brent
17 Bowdon, Deceased, on behalf of themselves
18 and on behalf of all beneficiaries of the
19 Estate of Brent Bowdon, Deceased;
20 SHEILA DAGUCON, as Conservator for
21 minor child Delilah Bowdon,

22 Plaintiffs,

23 v.

24 LAKE HAVASU CITY, ARIZONA, a
25 political subdivision of the State of Arizona,
26 by and through its Police Department;
27 EARL CHALFANT and
28 JANE DOE CHALFANT, his spouse;
ANGUS MCCABE and
JANE DOE MCCABE, his spouse;
CAMARON HOLLIS and
JANE DOE HOLLIS, his spouse;

Defendants.

Case No.:

COMPLAINT

1
2 Plaintiffs Lynne Sowles, as Personal Representative of the Estate of Brent Bowdon,
3 Deceased, Denise Bowdon and Carl Bowdon, as statutory beneficiaries, and Sheila Dagucon, as
4 Conservator for minor child Delilah Bowdon, statutory beneficiary, by and through their
5 attorneys of the firm of Goldman & Zwillinger PLLC, for their causes of action against
6 Defendants, hereby allege as follows:

7 **THE PARTIES**

8 1. Plaintiff Lynne Sowles (“Lynne”) is an individual and the natural mother of Brent
9 Bowdon and a resident of Pima County.

10 2. Plaintiff Denise Bowdon (“Denise”) is an individual and the lawful wife of Brent
11 Bowdon and a resident of Santa Cruz County.

12 3. Plaintiff Carl Bowdon (“Carl”) is an individual and the natural father of Brent Bowdon
13 and a resident of Santa Cruz County.

14 4. Plaintiff Sheila Dagucon (“Dagucon”) is an individual and a resident of Pima County.

15 5. Plaintiff Dagucon is the conservator to Delilah Bowdon (“Delilah”), the minor child of
16 Brent Bowdon.

17 6. Brent Bowdon (“Brent”), now deceased, was at all times relevant to this Complaint a
18 resident of Arizona.

19 7. Plaintiff Lynne is the personal representative of Brent’s estate.

20 8. Denise, Lynne, Carl, and Delilah are statutory beneficiaries to Brent’s estate as defined
21 in A.R.S. § 12-613 and relevant common law.

22 9. Defendant Lake Havasu City is a political subdivision of the State of Arizona, which
23 acts by and through its officials, employees, and agents, and is vicariously liable for the acts
24 and omissions of its officials, employees, and agents, including without limitation Defendants
25 Earl Chalfant, Angus McCabe, and Camaron Hollis.

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1 10. Defendant Earl Chalfant (“Chalfant”) is a police officer with the Lake Havasu City
2 Police Department (“LHCPD”), and who at all times relevant to this Complaint was acting
3 pursuant to authority and color of law pursuant to his position with LHCPD and for which
4 Defendant Lake Havasu City is vicariously liable.

5 11. Defendant Angus McCabe (“McCabe”) is a police officer with the LHCPD, and who at
6 all times relevant to this Complaint was acting pursuant to authority and color of law pursuant
7 to his position with LHCPD and for which Defendant Lake Havasu City is vicariously liable.

8 12. Defendant Camaron Hollis (“Hollis”) is a police officer with the LHCPD, and who at all
9 times relevant to this Complaint was acting pursuant to authority and color of law pursuant to
10 his position with LHCPD and for which Defendant Lake Havasu City is vicariously liable.

11 13. The acts and omissions of Defendants Chalfant, McCabe, and Hollis as described in this
12 Complaint were for the benefit and furtherance of their respective marital communities, if any,
13 and thus their respective martial communities, if any, are liable for their acts and omissions.
14 Plaintiffs are unaware of the true names of these defendants’ spouses, if any, and have
15 designated them as “Jane Does” in the caption of this matter. The true names of these
16 defendants will be substituted upon discovery of the same.

17 **JURISDICTION AND VENUE**

18 14. Plaintiffs bring this action for violations of the Fourteenth Amendment of the United
19 States Constitution, Title 42 United States Code, Section 1983, Arizona common law and
20 Arizona Revised Statutes (“A.R.S.”), including but not limited to Sections 12-611, *et seq.*

21 15. Plaintiffs’ damages exceed the minimum jurisdictional limit of the Superior Court as
22 provided in Article 6 Section 14 of the Arizona Constitution and A.R.S. §12-123.

23 16. Jurisdiction and venue are proper in this Court pursuant to A.R.S. §§ 12-123 and 12-401,
24 as the events underlying this lawsuit occurred in Mohave County.

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1 **GENERAL FACTUAL ALLEGATIONS**

2 17. At approximately 2:58 a.m. the morning of July 25, 2018, Defendants Chalfant,
3 McCabe, and Hollis (collectively, the “Officers”), along with two other LHCPD police officers,
4 responded to the Bowdons’ residence at 2663 Rainbow Lane, Lake Havasu City.

5 18. The Officers were dispatched pursuant to a 911 dispatcher, who had received a call from
6 a cell phone.

7 19. Denise met the Officers outside the home.

8 20. The Officers arrived with their weapons drawn.

9 21. Despite the fear that the officers instilled, Denise complied with all of their instructions.

10 22. Denise told the Officers repeatedly that Brent did not have a gun.

11 23. Denise told the Officers repeatedly that there were no guns in the house.

12 24. The Officers encountered Brent at the mouth of the garage, where they told him to
13 “Come out with your hands up.”

14 25. All Officers pointed their guns at Brent and stood behind car doors in a semicircle.

15 26. Defendant Chalfant was furthest to Brent’s right, with his weapon pointed at Brent.

16 27. Defendant Hollis was in the middle with his weapon pointed at Brent.

17 28. Defendant McCabe was furthest to Brent’s left, with his weapon pointed at Brent.

18 29. The Officers had their patrol cars’ headlights on and pointed directly at Brent.

19 30. The Officers yelled at Brent to take his hand out from behind his back.

20 31. During this time, Denise repeatedly told the Officers that Brent did not have a gun and
21 there were no guns in the house.

22 32. The Officers kept shouting for Brent to move his hand.

23 33. Hollis yelled that the Officers “just wanted to talk.”

24 34. Brent, obviously intoxicated, slowly approached the Officers.

25 35. At one point, Brent asked if Denise wanted the Officers to shoot him.
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1 36. The Officers kept yelling at Brent to move his hand.

2 37. Approximately seven minutes after first encountering Brent, the Officers began firing at
3 him, striking him approximately ten times.

4 38. When the Officers fired at Brent, Brent was still approximately 15 feet away from the
5 Officers, who were still behind the doors of their patrol cars.

6 39. Brent was shot mostly in the chest and torso and died immediately.

7 40. Brent was unarmed.

8 41. At no point did Brent make a verbal threat, a furtive movement, or a harrowing gesture.

9 42. At no time did Brent raise his arm toward the Officers or anyone else at the scene.

10 43. After shooting Brent, Hollis and McCabe stood over Brent's dead body with their guns
11 drawn.

12 **COUNT ONE**

13 **Violation of Civil Rights Under the Fourth Amendment**
14 **and 42 U.S.C. § 1983 (Defendants Chalfant, Hollis, and McCabe)**

15 44. Plaintiffs re-allege and incorporate by reference each of the previous allegations as
16 though fully set forth herein.

17 45. The Fourth Amendment of the United States Constitution, which applies to the Officers
18 pursuant to the Due Process Clause of the Fourteenth Amendment, forbids one who acts under
19 color of law using force that is excessive or unjustified.

20 46. As a direct and proximate result of these Defendants' wrongful conduct by using
21 excessive and unreasonable force against Brent, Brent's rights under the Fourth Amendment
22 were violated and the Estate of Brent Bowdon has suffered damages.

23 47. The wrongful conduct of these Defendants was in reckless disregard of Brent's
24 constitutional rights and punitive damages in an amount to be determined by a jury should be
25 awarded to deter and prevent others from acting in a similar manner in the future.

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1 48. Pursuant to 42 U.S.C. § 1988 and other applicable law, Plaintiff is also entitled to an
2 award of incurred attorneys' fees and costs.

3 **COUNT TWO**

4 **Wrongful Death Pursuant to A.R.S. § 12-611 (All Defendants)**

5 49. Plaintiffs re-allege and incorporate by reference each of the previous allegations as
6 though fully set forth herein.

7 50. The Defendant Officers had a duty to use only necessary and reasonable force.

8 51. The Officers breached their duties, despite knowing or having reason to know that Brent
9 was or would be inappropriately subjected to an unreasonable risk of serious harm, injury, and
10 death as a result of their actions and/or inactions, as identified by the allegations set forth in the
11 paragraphs above.

12 52. The Officers' and Lake Havasu City's breaches of their duties caused and/or contributed
13 to cause Brent's wrongful death.

14 53. The Officers were, at all times material hereto, acting within the course and scope of
15 their employment and Lake Havasu City is vicariously liable for their actions.

16 54. As a result of the Officers' and Lake Havasu's actions and inactions, Brent's survivors
17 have been deprived of the continued companionship and society of their husband, father, and
18 son, and have suffered and will continue to suffer in the future a loss of love, affection,
19 companionship, care, protection, guidance, as well as pain, grief, sorrow, anguish, stress, shock,
20 and mental suffering, and have suffered damages in an amount to be proven at trial.

21 **JURY TRIAL DEMAND**

22 55. Plaintiff hereby demands a jury trial in this matter as to all claims and against all
23 Defendants.

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1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiffs request that the Court enter judgment against Defendants
3 and in favor of Plaintiffs, as follows:

- 4 a. For compensatory, general and special damages against each and every
5 Defendant, jointly and severally, in an amount to be proven at trial;
- 6 b. For punitive and exemplary damages against Defendants in an amount
7 appropriate to punish the wrongful conduct against Defendants in an amount
8 appropriate to punish the wrongful conduct alleged herein and to deter such conduct
9 in the future;
- 10 c. For pre- and post-judgment interest to the extent provided by law;
- 11 d. For attorneys' fees and costs as permitted by 42 U.S.C. § 1988 and as
12 otherwise authorized by all other applicable law; and
- 13 e. For such other relief as this Court may deem just and proper.

14 **RESPECTFULLY SUBMITTED** this July 22, 2019.

15 **GOLDMAN & ZWILLINGER PLLC**

16 */s/ Scott H. Zwillinger*

17 _____
18 Scott H. Zwillinger

19 Shaun T. Kuter

20 17851 North 85th Street, Suite 175

21 Scottsdale, Arizona 85255

Attorneys for Plaintiff

22 **ORIGINAL** of the foregoing filed with the
23 Clerk of Mohave County Superior Court
24 this July 22th, 2019.

25 */s/ L. Simonini*

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