

March 14, 2022

VIA HAND-DELIVERY AND ELECTRONIC MAIL

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CLASS ACTION NOTICE OF CLAIM PURSUANT TO A.R.S. § 12-821.01

Claimants: **Maxima Guerrero Sanchez, Talleah Alvarado, Alexander Anderson, Tierra Colter, Fabian Cordova, Osama Daoood, Corina Garcia, Shane Haisten, Anthony Harding, Jeanette Hunt, Latanjra Jackson, Brandon LeMar, Erika Martin, Charlinda Martinez, Victor Martinez, Sierra McMartin, William Molony, Filiangel Morales, Marco Navarez, Darriac Newman, Corey Niass, Dylan Southworth, Jordan Thomas, Angela Tierney, Melodie Vanek, Axrenya Valuroso-Meaney, Ajani Williams, Brittany Young, and Emmalee Zenko, Individually, on their own behalves, and as class representatives**

Dates of Incident: **May 30-31, 2020**
Nature of Incident: **Conspiracy to Commit Unlawful Arrest**
Settlement Demand: **\$1,000,000 for each of the claimants.**

Dear Sirs,

As you may know, this law firm has filed a Class Action against the City of Phoenix arising out of its police department's mass unlawful arrests of people in downtown Phoenix on May 30-31, 2020. *See Guerrero Sanchez et al. v. City of Phoenix et al.*, U.S. District Court Case No. 21-00934-PHX-SMB. Until recently we believed that Phoenix Police acted alone in this gross constitutional violation. We recently learned otherwise.

Based on internal documents recently produced by the Maricopa County Attorney's Office ("MCAO"), it now appears that ***multiple MCAO employees were involved in coordinating PPD's protest response prior to these mass unlawful arrests.*** In a disturbing foreshadowing to the conspiracy surrounding the ACAB street gang conspiracy months later, First Responder's Bureau attorneys April Sponsel and Tom Van Dorn privately met with Phoenix Police officials to discuss PPD protest response—a matter of mere hours before PPD swept through downtown and mass-arrested 120+ people (many of whom were not even involved in protest activity) with "cut and paste" probable cause statements.

This law firm represents the young women and men named above—some of the people illegally arrested by Phoenix PD, on the apparent guidance of MCAO, on the night of May 30, 2020. We are sending this letter today pursuant to Arizona's Notice of Claim statute, A.R.S. section 18-821.01. Please note that if this matter does not settle, and litigation ensues, our clients intend to seek certification of a plaintiff class—in which case this Notice of Claim will serve as a representative notice of claim for all class members. *See City of Phoenix v. Fields*, 219 Ariz. 568, 573, 201 P. 3d 529 (2009).

I. Brief Factual Background

The history of the May 2020 protests in response to the Dion Johnson and George Floyd killings is well-documented. We will not repeat it here, but refer you to the Class Action complaint filed against the City of Phoenix, et al.: *Guerrero Sanchez v. City of Phoenix, et al.*, Case No. 2:21-cv-00934-PHX-SMB (D. Ariz. 2021). For now, it's simply important to note that, through the first two days of protests in downtown Phoenix, Phoenix Police made a total of just ten (10) arrests, approximately, which is consistent with the fact that the vast majority of participants in these demonstrations were non-violent and there were limited report of property damage. However, as is clear, law enforcement was already eager to halt the protests.

On the morning of Saturday, May 30, 2020, Phoenix Police Chief Jeri Williams publicly announced that her department would “not tolerate” any more property damage. She called on her officers to “take action.”¹ And PPD developed a plan to do so.

That night, PPD issued its typical, baseless “unlawful assembly” orders—prerecorded statements played repetitively in English and Spanish, without regard to whether the standard for an “unlawful assembly” had actually been satisfied under Arizona law. As people were trying to leave the area, Phoenix PD deployed tactical arrests teams throughout downtown Phoenix to seize, arrest, and detain everyone they found.

For the rest of the evening, Phoenix Police Officers chased pedestrians with tear gas and pepper balls, and stopped vehicles at weapons point. They seemingly arrested everyone they could find. By the end of the night, they had arrested 120+ people. To book these people into jail, Phoenix police officers used a single, fabricated “probable cause statement”: a copy-and-pasted account that there had been a “riot” in downtown Phoenix, without any articulation of suspicion that the persons actually arrested had participated in such an event or had otherwise broken any laws.

After spending hours (24 hours or more, for many) in jail, the claimants began to see judges for their Initial Appearances. Normally a simple procedural hearing reserved for setting release conditions and scheduling future hearings, these Initial Appearances were unusual: Noting the failures of the probable cause statements to identify any basis for charges against any individual, the Initial Appearance Judges began summarily dismissing the cases.

Ultimately, it appears that over 120 cases were dismissed in this fashion—an extraordinary scenario that garnered substantial media attention and criticism of the Phoenix Police Department. The claimant’s class action against the City of Phoenix followed.

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¹ <https://kyma.com/news/2020/05/30/15-buildings-damaged-after-peaceful-vigil-in-phoenix-killing/>

II. MCAO Involvement

Until recently, no one had reason to suspect that anyone other than PPD was responsible for the gross constitutional violations occasioned by these mass arrests. That changed in December 2021, when our law firm first received responses to public records requests submitted to MCAO.

A series of recently produced text messages makes clear that MCAO's First Responders Bureau ("FRB") was monitoring the protests, disparaging participants, and planning prosecutions—*well before people had even been arrested*.

The group text messages between MCAO leadership and FRB supervisors begins on May 28, 2020 with First Responder Liaison Tom Van Dorn detailing efforts to monitor the protests and coordinate with PPD regarding potential assaults on officers.

Received - Tom (personal) Van Dorn - May 28, 2020 at 4:49 PM - (iMessage)
Bill Long has arranged for our investigations TLO to receive updates regarding tonight's protest. No indication they intend to come to our facility as of now. Keep you updated if something develops. Additionally, our First Responder Bureau is aware of protest & we are coordinating with PPD for any assaults.

Van Dorn, a former Phoenix Police Commander who left PPD to join MCAO six months earlier, maintained active contact with his former colleagues at PPD and with officers on the ground. And he sent group text messages updating MCAO leaders and public relations officers about demonstrators' movements and actions.

In response to Van Dorn's updates, the group discussed a series of demonstrator actions—where they were marching and what they were doing. During these exchanges, MCAO Chief Deputy Ken Vick and Division Chief Vince Goddard exhibited the anti-protestor bias that would come to symbolize MCAO's actions over the coming months—mocking and disparaging the demonstrators.

Received - Ken Vick - May 28, 2020 at 8:07 PM - (iMessage)
Maintaining social distancing?

Received - Vince Goddard - May 28, 2020 at 8:12 PM - (iMessage)
I'm cheering for COVID right now.

Throughout the remainder of May 28, it was clear that FRB was expecting—and, seemingly, eager for—submittals of felony charges against demonstrators. But there were only eight (8) arrests made that night. And just two (2) arrests on the night of May 29, 2020.

By the morning of May 30, 2020, Van Dorn seemed to adopt the mantle of cheerleader: reassuring disappointed colleagues that the serious felony cases would, in fact be coming—despite minimal arrests to that point.

Notice of Claim

3/14/22

Page 5

Received - Tom (personal) Van Dorn - May 30, 2020 at 9:18 AM - (iMessage)
A sampling from last night. As of now we have 2 that were booked last night and they have been picked up by FRB. Confident we have multiple submittals also headed are way as folks in video get identified by LE.

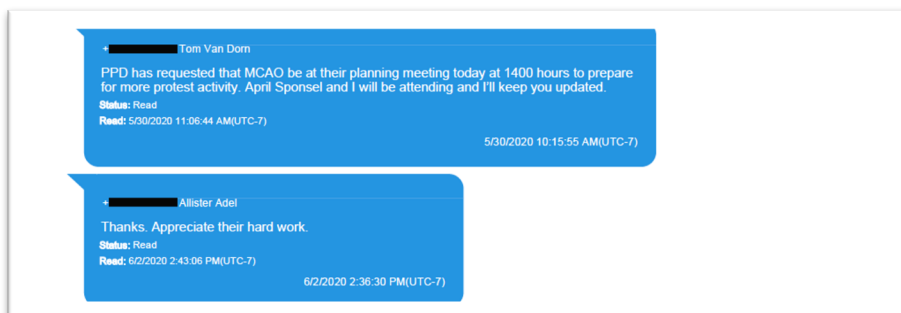
In response to Van Dorn's prediction, Goddard assured everyone that MCAO was ready: Despite seeing PPD arrest just 10 people in two days, MCAO was actively developing plans to handle a flood of felony cases relating to protests:

Received - Vince Goddard - May 30, 2020 at 9:39 AM - (iMessage)
We have a contingency/additional resources plan if the bureau gets too many submittals.

Within an hour, MCAO's reason for expecting a rash of new felony cases—despite the small handful of arrests to date—began to come into focus. In May 30, 2020, five months before the ACAB conspiracy that would shock the county, Van Dorn advised his colleagues that FRB would be engaging in a pre-protest meeting with PPD to discuss the police department's response strategy. Tellingly, before anyone was even arrested, Tom Van Dorn began assuring colleagues that FRB would take the "rioting/unlawful assembly cases."

Received - Tom (personal) Van Dorn - May 30, 2020 at 10:27 AM - (iMessage)
To loop in the whole team, PPD has requested that MCAO be at their planning meeting today at 1400 hours for more protest activity tonight. Both April Sponsel and I will be attending. Jen, the First Responder Bureau thus far is taking these cases as the rioting/unlawful assembly cases also have assault on officers charges attached. Last night we had 2 people that were booked and are preparing for submittals as PPD identifies more folks from videos. Keep everyone updated.

Van Dorn then passed this message directly on to his boss, County Attorney Allister Adel, who both expressly approved and thanked him for coordinating with PPD.



It appears that meeting proceed, as planned at 2:00 p.m.. It appears that both Van Dorn and Sponsel met with PPD to discuss and plan PPD's protest response, as anticipated. And just a matter of

hours later, PPD began mass arresting people—using the same type of “copy-and-paste” probable cause statements for everyone arrested.

III. Liability

MCAO coordination with PPD resulting in “cut-and-paste” probable cause statements fits a pattern that should be well-known to all of you at this point. As you know, retired Judge Roland Steinle was retained to investigate MCAO’s participation in the conspiracy that resulted in the illegal charging of 15 protestors as members of a non-existent street gang. In his opinion², Judge Steinle reached the following conclusions:

- that the First Responders’ Bureau had an inappropriate affinity for law enforcement, in particular, the PPD unit responsible for responding to protests, and that this bias led to April Sponsel “bec[oming] an active participant in the planning” of PPD protest responses and arrests (p. 61-62);
- that the First Responders’ Bureau tended to “treated all protesters with the same broad brush” (p. 45);
- that April Sponsel was drafting and forwarding Form IV Probable Cause statements to Phoenix Police to use in booking and charging arrestees in August 2020 (p. 43);
- that April Sponsel was “directing what charges” PPD should file against October 17, 2020 arrestees (p. 13);
- that this conducted constituted “legal advice to the police department” in violation of American Bar Association Standards (p.43); and,
- that these “cut & paste” forms were not individualized to each defendant and were therefore improper: “*Charges should reflect the actions taken or not taken by the individual protestor. By escalating the charges to Riot, the County Attorney now treated all protestors with the same broad brush.*” (p.44).

At the time of Judge Steinle’s investigation, there was no information publicly available—or, presumably, provided to Judge Steinle—about Sponsel’s and Van Dorn’s May 30, 2020 private meeting with Phoenix Police officials or its implications. Nor was there any publicly available information establishing that the information about the May meetings with PPD officials were shared with Deputy Ken Vick or County Attorney Adel.

² Judge Steinle’s report is admittedly limited and is only based on the information before him at the time. Substantial information has since been produced that could change some of his ultimate conclusions, although this new information is unlikely to change the opinions noted above.

This case eviscerates both assumptions: Both Vick and Adel were well-aware that Van Dorn and Sponsel were meeting with Phoenix Police on the afternoon of May 30, 2020. They were both aware that, after just 10 arrests in the two previous days combined, Phoenix Police made 120+ arrests that night. And they were both well-aware of the summary dismissal of these charges due to “cut-and-paste” probable cause statements.

IV. Claims

On May 30, 2020, the Phoenix Police Department and MCAO attorneys Tom Van Dorn and April Sponsel planned PPD’s response to the George Floyd/Dion Johnson protests. Upon information and belief, during this planning session, MCAO and PPD decided that PPD would effectuate illegal mass arrests for “rioting” that night and would use a fabricated cut-and-paste probable cause statement to book those illegally arrested into jail; and they did so to stop the protests and retaliate against individuals for their actual and perceived beliefs that were critical of law enforcement. This was done with the knowledge and seeming approval of County Attorney Adel and MCAO supervisors Ken Vick and Vince Goddard.

As a result, MCAO, Adel, Vick, Goddard, Van Dorn, and Sponsel are all liable for conspiracy to commit unlawful arrest and detention and intentional infliction of emotional distress, in addition to a host of federal civil rights claims we are under no duty to articulate here.

V. Conclusion and Demand for Specific Amount

As previously stated, if litigation ensues, we intend to seek certification of a plaintiff class consisting of all individuals who were harmed as a result of MCAO’s actions. If a class is later certified this Notice of Claim will serve as a representative notice for other class members.

In the event that we are unable to certify the class, however, we will pursue each of the above-named persons’ claims individually.

A. Individual Claims

Each above-named individual suffered the same ultimate fate on May 30, 2020: being arrested, restrained, detained, and booked into jail, during a global pandemic, for felony charges they did not commit. Accordingly, each suffered the same ultimate loss: The betrayal of trust, and loss of faith in their government, that occurs when one’s rights are violated by virtue of a conspiracy between prosecutors and police officers.

There is no amount of money that can remedy this damage. But A.R.S. § 12-821.01 requires that we set forth a “specific amount” for which our clients are willing to settle their cases. To that end, our clients are willing to accept \$1,000,000 each to resolve all of their claims against Maricopa County and its officers and employees.

To avoid any confusion or future litigation on this issue, we wish to clarify that these settlements are not contingent upon each other. The County may settle with less than all of the

claimants, and the claimants make no demand that their individual settlements are based on each other. But, irrespective of how many cases the County chooses to settle, the demand settlement amounts remain the same:

\$1,000,000 to settle Maxima Guerrero Sanchez's claims against the County;
\$1,000,000 to settle Talleah Alvarado's claims against the County,
\$1,000,000 to settle Alexander Anderson's claims against the County;
\$1,000,000 to settle Tierra Colter's claims against the County;
\$1,000,000 to settle Osama Daood's claims against the county;
\$1,000,000 to settle Corina Garcia's claims against the county;
\$1,000,000 to settle Shane Haisten's claims against the county;
\$1,000,000 to settle Anthony Harding's claims against the county;
\$1,000,000 to settle Jeanette Hunt's claims against the county;
\$1,000,000 to settle Latanjra Jackson's claims against the county;
\$1,000,000 to settle Brandon LeMar's claims against the county;
\$1,000,000 to settle Erika Martin's claims against the county;
\$1,000,000 to settle Charlinda Martinez's claims against the county;
\$1,000,000 to settle Victor Martinez's claims against the county;
\$1,000,000 to settle Sierra McMartin's claims against the county;
\$1,000,000 to settle William Molony's claims against the county;
\$1,000,000 to settle Filiangel Morales' claims against the county;
\$1,000,000 to settle Marco Navarez's claims against the county;
\$1,000,000 to settle Darric Newman's claims against the county;
\$1,000,000 to settle Corey Niass's claims against the county;
\$1,000,000 to settle Dylan Southworth's claims against the county;
\$1,000,000 to settle Jordan Thomas's claims against the county;
\$1,000,000 to settle Angela Tierney's claims against the county;
\$1,000,000 to settle Melodie Vanek's claims against the county;
\$1,000,000 to settle Axrenya Valuroso-Meaney's claims against the county;
\$1,000,000 to settle Ajani Williams's claims against the county;
\$1,000,000 to settle Brittany Young's claims against the county;
\$1,000,000 to settle Emmalee Zenko's claims against the county.

Please let us know if you have any questions regarding these claims, or would like to further discuss resolution. We look forward to hearing from you.

Very truly yours,

THE PEOPLE'S LAW FIRM, PLC

A handwritten signature in black ink, appearing to read "S. Benedetto", with a long horizontal flourish extending to the right.

Steve Benedetto
For the firm