

Stephen Montoya  
Robert E. Pastor  
Attorneys at Law

Montoya, Lucero & Pastor, P.A.  
3200 North Central Avenue, Suite 2550  
Phoenix, Arizona 85012-2490  
602-256-6718  
stephen@montoyalawgroup.com  
pastor@mlpattorneys.com

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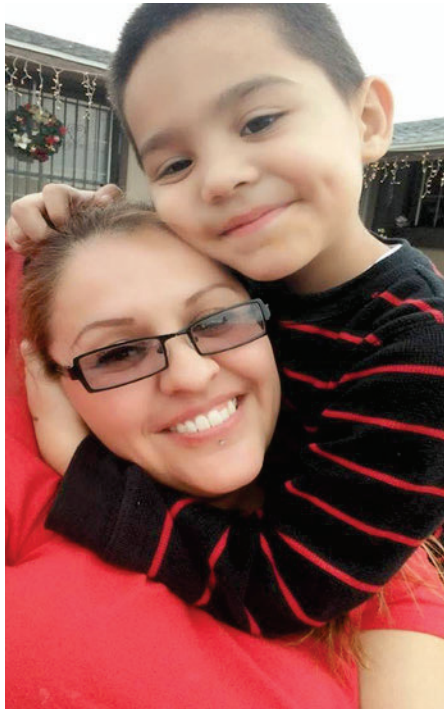
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Thea Andrade  
Superintendent  
Phoenix Union High School District  
4502 North Central Avenue  
Phoenix, Arizona 85012

Francisco Pastor-Rivera  
Lizette Mier  
Jeremiah Cota  
Debbie Cross  
Aaron Marquez  
Signa Oliver  
Members of the Phoenix Union High  
School District Governing Board

Re: A.R.S. §12-821.01 Notice of Claim for the wrongful death of Michael Montoya

Dear Ms. Andrade:



Graciela Lopez gives notice of her claims against the Phoenix Union High School District for the wrongful death of her son, Michael Montoya.

**Factual Background:**

Tuesday, August 19, 2025, started like any other school day for Michael Montoya, a sixteen-year-old junior attending Maryvale High School in the Phoenix Union High School District. In the morning, Michael cleaned up, tried to get something to eat, got dressed, kissed his mom goodbye, and went to school. When he arrived at school, like the rest of his classmates, he cleared the metal detector at the main entrance of the school, said hi to some



The problem of deadly weapons on the school campuses of the District is well known and was the subject of an October 4, 2024, report by investigative journalist Bianca Buono of local NBC Affiliate 12News. Ms. Buono found that:

The Phoenix Union High School District seized 44 guns from 2019 through the first three quarters of the 2023-24 school year, more than any other district. A spokesperson declined 12News' request for an on-camera interview to discuss the problem, but provided an emailed statement from Spokesperson Richard Franco:

“Sadly, guns have become easily accessible in Arizona as a result of highly relaxed gun laws and our students having increased access to weapons from the broader community. The challenges that our society faces often show up in our schools. Phoenix Union is the largest high school district in the state and educates more ninth through twelfth-grade students than any other system in Arizona. As a result, we often see higher numbers of incidents related to high school students than others. The number of firearms seized is directly attributed to the access to firearms in the community and our vigilant and dedicated staff, including safety teams.”

[www.12news.com/article/news/investigations/data-detectors-valley-schools-explore-safety-solutions-guns-continue-found-campus/75-6b23e867-cb64-4622-a68f-e8e6b5bac0dd](http://www.12news.com/article/news/investigations/data-detectors-valley-schools-explore-safety-solutions-guns-continue-found-campus/75-6b23e867-cb64-4622-a68f-e8e6b5bac0dd).

### **The District's fragmented relationship with school resource officers.**

Although the District boasts of “dedicated safety teams,” the District's dedication to school safety is tenuous. After employing school resource officers for over two decades, the District decided to remove them in the Summer of 2020 for explicitly political reasons, specifically, the murder of George Floyd in May 2020 in Minneapolis, Minnesota, which took place among adults on a public street and had nothing to do with keeping our children safe at school.

The District's former Superintendent, Chad Gestson, announced the District's decision to terminate its employment of school resource officers in a video posted on the District's website on July 7, 2020. [www.youtube.com/watch?v=A186QVmPPt8](http://www.youtube.com/watch?v=A186QVmPPt8).

In an extended but logically flawed speech, Gestson claimed that, although “school safety must be the top priority for the Phoenix Union High School District,” to combat a “pandemic of racism,” the District had to remove school resource officers from campus. Gestson then promised to use the millions saved on removing school resource officers from campus on “a participatory budgeting program,” where allegedly students, staff, and parents would decide how to use the savings to make the District safe.



Gestson’s plan quickly failed. Violence in the District continued to grow worse. For example, on November 29, 2021, a student was shot in the boys’ bathroom of Cesar Chavez High School. But the incident did not change Gestson’s mind regarding school resource officers. Instead, he doubled down: “This one incident will not make us rethink where we stand today with school resource officers.” Gestson also said that the District did not plan to implement metal detectors in schools in response to the shooting.

On April 7, 2023, school staff members discovered a handgun in the backpack of a student at Betty Fairfax High. Police were called, and the student was arrested and charged with possession of a gun on school property.

Continuing violence on campus prompted second thoughts on school resource officers, and a District Safety Committee established during the 2022-2023 school year recommended bringing school resource officers back on campus. As the (then) Principal of Central High School, Leticia Avalos, observed at the Governing Board’s meeting of April 13, 2023, officers on campus reduce emergency response time:

When we had SROs on campus, we were able to bypass 911, as they would simply call straight to dispatch using the radio on their shoulder.... A vast majority of our administrators are in support of what the District Safety Committee is proposing.

The District did not accept the Committee's recommendation.

Then, on May 19, 2023, a student was arrested for bringing an AR-15 semi-automatic rifle and ammunition to Bostrom High School. Rattled by this event, the District conducted a series of "listening sessions" with students, parents, and staff and decided to rehire several school resource officers, but continued to fail to restore full-time school resource officers to each of its eleven comprehensive high schools.

On September 5, 2023, a student was arrested and charged for carrying a handgun on campus at the Linda Abril Educational Academy, which prompted the District to make the following announcement:

Earlier today, we received a report of a possible firearm at Linda Abril Educational Academy. Staff immediately investigated and discovered the report to be true. Campus administration placed the school on lockdown and immediately contacted law enforcement and secured the weapon. All students and staff are safe. Staff will cooperate fully with the Phoenix Police Department as the investigation continues.

We are grateful for those who reported and to our staff for working quickly to ensure everyone's safety, as safety is a shared responsibility.

Richard Franco, Director of Marketing, Phoenix Union  
High School District

Just days later, on September 7, 2023, another student was detained for carrying a gun on campus at Maryvale High School.

But these reports tell us only half the story. They focus on guns and ignore all the knives confiscated throughout the District's campuses. Multiple current and former administrators and school safety officers will attest to the fact that knives are

regularly confiscated from students on campus and present a deadly threat to school safety.

Notwithstanding the persistence of deadly weapons on campus, the District continues to reject the assistance of school resource officers to advance safety – even when they would serve the District at *no* cost. For example, as recently as March 2025, the District’s governing board rejected grants from the Arizona Department of Education that would have funded full-time school resource officers for Betty Fairfax and Carl Hayden High Schools.

**The District has not utilized weapons detection technology to maximize student safety.**

Belatedly recognizing the problem of students smuggling deadly weapons on campus, on August 4, 2025, the District installed “Advanced Weapon Detection Systems” throughout the 24 schools in the District. According to the manufacturer of the detection system, it “can detect everything from small folding knives to large fixed-blade weapons, providing security teams with awareness of both concealed carry violations and potential threats.” Notwithstanding the potential of this technology to reduce deadly weapons on campus, the District intentionally programmed the detection systems to ignore “smaller” weapons--like the knife that Chris Aguilar used to murder Michael Montoya.

As the (then) Principal of Maryvale High School, John Doherty, the District’s “resident expert” regarding the system, explained to the District’s governing Board at its April 3, 2025 meeting, the District programmed the system to look for “a weapon that can cause mass casualty,” “so *we were not looking for small pocket knives...*, we were looking for weapons, rifles and large handguns....” [www.youtube.com/watch?v=iSFhq961fS0&list=PLehNBah3JnNq9LUd3RlxIzz-NzUbbh8zX&index=8&t=11317s](https://www.youtube.com/watch?v=iSFhq961fS0&list=PLehNBah3JnNq9LUd3RlxIzz-NzUbbh8zX&index=8&t=11317s), at 3:09-20.

Thus, the District terminated its relationship with school resource officers and programmed its metal detectors to ignore small knives that the District knew for years were being smuggled onto campus. Dozens of teachers in the District knew for years that it was just a matter of time before a student was killed on campus with a deadly weapon, like a knife.

Our public schools sit in *loco parentis* of our children. The District has statutory and common law duties to protect its students on campus. See A.R.S. § 15-

341(36) and *Hale v. Window Rock Unified School District*, 504 P.2d 929 (Ariz. App. 2021). Those duties reach their apex in the classroom. Instead of implementing well-known tools to increase the safety of our schools, the District sacrificed school safety for the sake of superficial political rhetoric. As a result of the District's reckless choices, Michael Montoya was murdered.

Once settled in his third class of the day, "Integrated Sciences I," when Michael was trying to concentrate on his schoolwork, he realized that he was under attack. Another student in the class, Chris Aguilar, had smuggled a knife into the school and attacked Michael without warning. Although Michael tried to run, within seconds, he was on the floor, with Chris Aguilar on top of him, repeatedly stabbing him in the chest, neck, and back. Aguilar soon left Michael unconscious, lying face down in a growing puddle of blood.

Over a dozen students in the class helplessly witnessed Chris Aguilar murder Michael. Some of the students recorded the attack with their smartphones. The eyewitnesses at the scene confirmed that Aguilar "was the aggressor, and Montoya was not able to defend himself." The only adult in the classroom, the teacher, quickly called security and ran out to find help. But by the time first responders arrived from off-campus, it was too late to save Michael's life. Soon after he arrived at the hospital, Michael died of multiple stab wounds.

Law enforcement officers soon recovered the murder weapon not far from the scene of the crime, a folding knife with Chris Aguilar's name inscribed on the handle. Aguilar was arrested soon after the stabbing while still on campus. On August 26, 2025, Aguilar was indicted for first-degree murder. He is being tried as an adult, being held in the Maricopa County Jail pending trial.

#### **The aftermath of Michael's murder:**

Michael Montoya was a joyful young man beloved by his family and friends. His murder continues to devastate his mother, his brother, and his two sisters. The memory of his short life and tragic death will sadden the rest of their lives.

Michael's teachers will also miss him. Many of them wrote to Michael's mother to express their grief over his passing. Here are a few of them:



The first thing I remember is his smile. The second thing I remember is how hard he was working to show his teachers how hard he was working. He was one of the first students I met who desired to connect with me and my classroom. Later in the year, he worked with his teachers to earn a visit to my classroom. I will remember how much he wanted to belong, the joy in his eyes and in his smile, and his desire to do well. May God care for, protect and bring peace to his family.

D. U.

I had the pleasure of having Michael as a student in my class. He was a bright, intelligent young man who was always polite and respectful.

Michael had a way of connecting with everyone—he could strike up a conversation with anyone and was always willing to help others, both in and out of the classroom. He often had something to share whether it was a story, a joke, or simply a smile to lighten the mood. Michael knew my classroom door was always open if he ever needed someone to talk to, and I was proud to see the young man he was becoming. I'll never forget when he was chosen to address his eight-grade class during their promotion ceremony—it was a testament to his potential and the bright future that awaited him. It is truly tragic that his life was taken far too soon. Michael had the heart, character, and promise to become someone truly great, and he will be deeply missed.

L. R.

I had the pleasure of having Michael as a student. He was a bright, intelligent young man who was always polite and respectful. Michael was one of a kind. Anywhere he went he always had that big cheesy smile. My door was always opened to Michael whenever he wanted to come say hi or whenever he needed a break. We shared stories with each other, we shared laughs and sometimes cries.. He

would always talk to me about his family, his dreams and his goals! He loved his friends as well. It is truly tragic that his life was taken far too soon.

Y.G.

I had the privilege of being Michael Montoya's 8<sup>th</sup> grade social studies teacher, and I want people to know the Michael I knew. I watched him grow into a smart, funny, capable, and friendly young man who worked hard and brought a big smile to class every day. That year, my students participated in Project Citizen for the first time, and it was Michael's idea to focus on excessive littering in Maryvale. His leadership and creativity helped shape the project, which went on to win the 2023 Arizona state portfolio and advance to the national showcase. Michael was more than the headlines say. He was a student with heart, potential, and a bright spirit that made an impact on those around him.

K.E.



**Sum Specific Demand:**

Ms. Lopez has suffered irreparable harm as a result of the District's recklessness and gross negligence. The pain that she has endured and will endure has crippled her emotionally and put her health and very life in jeopardy.

On behalf of herself and her family, Ms. Lopez will release her wrongful death claims against the District in consideration of a lump sum payment of \$28 million.

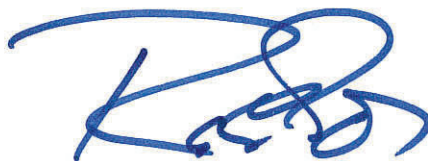
If you have any questions regarding this matter, please feel free to contact us.

Thank you.

Sincerely,



Stephen Montoya



Robert Pastor