

TAYLOR & GOMEZ LLP
2600 North 44th Street, Suite B-101
Phoenix, Arizona 85008
Tel: (602) 403-0212, Benjamin Taylor, Esq.
(602) 394-8930, Dominic Gomez, Esq.
Fax: (480) 505-3976

OCTOBER 3, 2025

TO: City of Mesa; Mesa Police Department; and Their Police Officers, Employees, and/or Agents

c/o Mesa City Clerk
20 East Main Street, Suite 150
Mesa, Arizona 85201

RE: Wesley Leasy; Date of Incident/Date of Loss: April 10, 2025; Notice of Claim

Dear City of Mesa; Mesa Police Department; and Their Police Officers, Employees, and/or Agents
c/o Mesa City Clerk,

This confirms that this law firm represents Wesley Leasy (“Mr. Leasy”) for the above incident. **Please accept this as Mr. Leasy’s Notice of Claim pursuant to Arizona Revised Statutes § 12-821.01.**

The Notice of Claim is asserted against the City of Mesa, Mesa Police Department, and any and all other potentially responsible or liable Police Officers, employees, and/or agents of the City of Mesa and Mesa Police Department. The City of Mesa is vicariously liable under the theories of *respondeat superior*, nondelegable duties, agency, and any other applicable legal theories for the actions, inactions, torts, negligence, gross negligence, recklessness, constitutional/legal violations, etc. of any applicable City of Mesa and Mesa Police Department Police Officers, employees, and/or agents, including Sgt. Hemp. *See Kopp v. Physician Group of Arizona of Ariz., Inc.*, 244 Ariz. 439 (2018). It is alleged that the City of Mesa and Mesa Police Department could also be found to be independently negligent/liable here under such theories as negligent hiring, negligent training, negligent supervision, etc. *Id.* Moreover, it is alleged that there

are procedures and policies and/or lack thereof of the City of Mesa and Mesa Police Department, which could subject the City of Mesa and Mesa Police Department to liability.

At the time of the submission of this Notice of Claim, Wesley Leasy, Jade Leasy, this law firm, and/or their agents only have the information which has been publicly reported by the media and one business card provided by one of the involved City of Mesa Police Officers (Sgt. Hemp) to Wesley Leasy at the scene of the incident. There was no Mesa Police/Incident Report Number(s) contained on this business card. Besides this one involved City of Mesa Police Officer (Sgt. Hemp), the names and information of the involved Police Officers, employees, and/or agents have not been released by the City of Mesa and City of Phoenix to Wesley Leasy, Jade Leasy, this law firm, and/or their agents. At the time of the submission of this Notice of Claim, Wesley Leasy, Jade Leasy, this law firm, and/or their agents only have knowledge and information regarding the involvement of the City of Mesa and City of Phoenix in this incident. This law firm and its agents went in person to Maricopa County Sheriff's Office, Arizona Department of Public Safety, and City of Tempe Police Department and all three agencies denied involvement in this incident. Wesley Leasy, Jade Leasy, this law firm, and/or their agents are relying, in good faith, on these denials.

This law firm, on behalf of Wesley Leasy and Jade Leasy, has timely submitted Public Records Requests to the City of Mesa/Police and City of Phoenix/Police/Sky Harbor. None of these Public Records Requests have been fulfilled and provided to this law firm and/or its agents, as of the drafting and/or submission of this Notice of Claim. As such, the Discovery Rule applies as to any involved Police Officers, employees, and/or agents for City of Mesa/Police and City of Phoenix/Police/Sky Harbor and as to any unknown agencies that may have been involved in this incident. *See* A.R.S. Section 12-821.01(B). Good faith efforts have been made by this law firm, on behalf of Wesley Leasy and Jade Leasy, to discover the information as to the involved Police

Officers, employees, and/or agents for City of Mesa/Police and City of Phoenix/Police/Sky Harbor, but no such information has been provided to this law firm and/or its agents. As necessary, individual Notice(s) of Claims will be submitted to and served directly on the involved Police Officers, employees, and/or agents for City of Mesa/Police and City of Phoenix/Police/Sky Harbor once said information is discovered and provided by City of Mesa/Police and City of Phoenix/Police/Sky Harbor to this law firm and/or its agents.

Accordingly, this matter is still in the early stages and is meant to put you on notice of the claim and to provide you with a reasonable opportunity to investigate and resolve this claim. This Notice of Claim is not meant to include each and every possible fact, argument, theory of liability, citation to case law and statutes, etc. We reserve the right to include and assert additional facts, arguments, theories of liability, citations, etc., as this matter proceeds. We reserve the right to amend, supplement, correct, clarify, etc. this Notice of Claim, as necessary and as justice requires.

Just so it is clear, when there are references below to the Officers; City of Mesa Police Officers, employees, and/or agents; and/or the relevant Police Officers, employees, and/or agents located at Sky Harbor Airport that includes Sgt. Hemp, even if Sgt. Hemp's name is not specifically listed below.

At the time of this incident, Mr. Leasy was 53-years-old. He is a retired NFL linebacker, who played with the Arizona Cardinals. He currently runs a construction company and resides in Scottsdale. Mr. Leasy ran for state legislature in 2022 and is an upstanding member of the greater Phoenix community. He is also a loving Father to his 26-year-old Daughter, Jade Leasy. Both Mr. Leasy and Jade Leasy are black.

On April 10, 2025, City of Phoenix/Sky Harbor Police Officers, employees, and/or agents pointed their guns at Mr. Leasy and handcuffed him publicly, based solely on the type of vehicle he was driving.

As you know, the incident was captured by at least some City of Mesa Police Officers' body-worn cameras. The City of Mesa/Mesa Police Department has released snippets of the body-worn camera footage to the media.¹ *See* attached Exhibit.

City of Mesa Police Officers received a call about a shooting at a Mesa apartment complex. The actual shooting suspect fled the scene in a white Mercedes vehicle with paper plates. An aerial team followed the actual shooting suspect, but lost trace of his vehicle near Phoenix Sky Harbor International Airport.

Upon information and belief, around this same time, Mr. Leasy was picking up his Daughter, Jade Leasy, from Sky Harbor Airport. Jade Leasy was returning home from a work trip to Atlanta on a Delta Airlines' flight. Mr. Leasy circled the Airport in his new white Mercedes with paper plates, waiting for his Daughter to leave baggage claim. She emerged from baggage claim with multiple bags and Mr. Leasy drove his vehicle to the curb. He then got out of his vehicle; hugged and kissed his Daughter; and put her luggage in his vehicle.

The relevant Police Officers, employees, and/or agents located at the Sky Harbor Airport watched this family reunion, but nevertheless then surrounded Mr. Leasy and Jade Leasy with their guns drawn, assuming without legitimate evidence that he was the suspect in the apartment shooting and somehow involving Jade Leasy into the incident even though the actual shooting suspect was male and even though it was obvious that Jade Leasy had just returned home from a flight. Mr. Leasy and his Daughter were told to lay face down on the ground and they were both handcuffed before being questioned. *See* attached Exhibit. The body cam footage released to the Media clearly evidences that Jade Leasy was audibly and visibly distraught and scared.

The relevant Police Officers, employees, and/or agents located at Sky Harbor Airport did not have a warrant and failed to question Mr. Leasy and/or Jade Leasy prior to detaining them.

¹ <https://www.abc15.com/news/local-news/investigations/former-nfl-player-detained-in-botched-shooting-suspect-search>

During the incident, Mr. Leasy was terrified for his life as well as the life of his Daughter. There was physical force applied in order to handcuff Mr. Leasy. *See* attached Exhibit. He asked for an explanation of the Officers' actions, but he did not receive one until he was released from his restraints. Mr. Leasy did ultimately receive one apology for this incident and a business card only from Sgt. Hemp. Any information for the other involved Police Officers, employees, and/or agents located at Sky Harbor was not provided to Mr. Leasy and/or Jade Leasy.

The incident was embarrassing and traumatizing for Mr. Leasy and his Daughter, who still do not understand how Officers could have erred so badly. Jade Leasy's former co-worker witnessed this incident and vouched for Jade Leasy to the Officers that she was his co-worker and she was returning from a work trip.

Mr. Leasy has stated that he had "never been so afraid in [his] entire life" and that he was disappointed in Officers for not protecting his Daughter when they knew she was not a suspect. The actual shooting Suspect was a young white male individual (*see* attached Exhibit), which easily should have been known given that City of Mesa Police were following the Suspect by aerial team and based on the report of the shooting at the apartment complex.

Public/media attention has focused on the errors and lack of diligence displayed in this incident, as evinced by the following Headlines:

- **Former NFL player detained in botched shooting suspect search.**²
- **Former NFL player Wesley Leasy mistakenly detained at gunpoint by Arizona police.**³
- **Ex-Cardinals player describes being handcuffed at gunpoint by police at Phoenix airport.**⁴

² <https://www.abc15.com/news/local-news/investigations/former-nfl-player-detained-in-botched-shooting-suspect-search>

³ <https://www.nbcdfw.com/news/national-international/former-nfl-player-wesley-leasy-mistakenly-detained-gunpoint-phoenix-airport/3825156/>

⁴ <https://ktar.com/arizona-news/cardinals-player-wesley-leasy/5698093/>

- **Former NFL player mistakenly detained by police, feared for daughter's safety.**⁵
- **Guns drawn at Sky Harbor Airport on former Cardinals football player mistaken for homicide suspect.**⁶

The City of Mesa and Mesa Police Department are responsible, in part or in whole, for Sgt. Hemp's failures and the failures of their Officers, employees, and/or agents, regarding this incident.

The following Cases amply support and establish liability here:

In *Boies v. Raynor*, 89 Ariz. 257 (Ariz. 1961), the plaintiff (Raynor) filed an action in Maricopa County Superior Court for false arrest and false imprisonment.

The Supreme Court of Arizona identified the following three issues on Appeal:

“(a) was Raynor arrested, (b) did the officers use reasonable diligence and reasonably believe that the plaintiff was the person intended to be arrested, and (c) did the plaintiff sustain damages?”

Boies v. Raynor, 361 P.2d 1, 89 Ariz. 257 (Ariz. 1961), 2

Regarding the false arrest and false imprisonment claim, the Supreme Court of Arizona quoted approvingly:

“The essential element of false imprisonment is the direct restraint of personal liberty or the freedom of locomotion. The gist of false imprisonment is unlawful detention. There need not be actual force; the restraint may be from the fear of force as well as from force itself. Words alone are frequently sufficient to bring about the actual restraint of liberty. False imprisonment may be committed by words alone, or by acts alone, or by both, or by merely operating the will of the individual. *Jarrett v. St. Francois County Finance Co.*, Mo.App., 185 S.W.2d 855, and cases cited therein. Any restraint, however slight, upon another's liberty to come and go as one pleases, constitutes an arrest. There is an illegal arrest and false imprisonment of another where a person is [unlawfully] detained for any length of time against their will.' (Cases cited.)”

⁵ <https://local12.com/news/nation-world/wesley-leasy-arizona-cardinals-linebacker-former-nfl-player-mistakenly-detained-by-police-cincinnati-phoenix-confrontation-mercedes-benz-police-helicopter-traffic-camera-lost-sight-accountability-apology-responsibility-mix-up-mesa-sergeant-crime-suspect>

⁶ <https://www.fox10phoenix.com/news/guns-drawn-sky-harbor-airport-former-cardinals-football-player-mistaken-homicide-suspect>

Boies v. Raynor, 361 P.2d 1, 89 Ariz. 257 (Ariz. 1961), 2 (citations omitted).

The Supreme Court of Arizona held there was sufficient evidence to support the jury verdict that there was an arrest of the plaintiff. Regarding the second issue, the Supreme Court of Arizona held: “We feel there was sufficient evidence to justify the jury in finding that the defendants did not use reasonable diligence in their inquiries to ascertain whether or not plaintiff was the man named in the warrant. There was also sufficient evidence to justify the jury in the finding that defendants did not reasonably believe that plaintiff was the man sought.” *Boies v. Raynor*, 361 P.2d 1, 89 Ariz. 257 (Ariz. 1961), 3.

Regarding the final issue of damages, the Supreme Court of Arizona stated:

“With regard to damages for false arrest and imprisonment it is the general rule that in actions for personal injuries, mental suffering, including fright, shame, and mortification from the indignity and disgrace, consequent upon an illegal detention is usually considered an injury for which compensation May be made. Although there are some jurisdictions which do not follow this rule we believe it to be sound, and therefore, hold that it is an element of damage. See, 22 Am.Jur. False Imprisonment, § 130, p. 438.”

Boies v. Raynor, 361 P.2d 1, 89 Ariz. 257 (Ariz. 1961), 3.

The Supreme Court of Arizona upheld the jury verdict on damages, concluding:

“We think that in the event the jury believed plaintiff's testimony concerning the defendants' awareness of his anxiety over his wife's condition, his concern for his customers' feelings toward him and possible detriment to his business, his concern for the health and safety of his children, their filial affection toward him and possible subsequent harmful effects when they saw him escorted home by the officers, and the loss of respect from his neighbors, then it became the jury's province under the evidence to make a decision on the matter.”

Boies v. Raynor, 361 P.2d 1, 89 Ariz. 257 (Ariz. 1961), 3.

In *Whitlock v. Boyer*, 77 Ariz. 334, 336 (Ariz. 1954), the plaintiff was arrested for what police officers thought were counterfeit bills. Upon examination, the bills were legitimate, and the plaintiff brought suit for false arrest and false imprisonment. *Id.* The jury returned a defense verdict, but the Supreme Court of Arizona reversed and remanded and held that the the trial court

had improperly instructed the jury (“For improperly instructing the jury as to the law the judgment is reversed and the cause remanded for a new trial not inconsistent with these pronouncements.”).

Id. at 339.

The Supreme Court of Arizona, in *Whitlock*, placed the burden on the police officers to show justification and probable cause and quoted approvingly:

“Ordinarily a plaintiff is deemed to have established a prima facie case for false imprisonment if, as here, it appears that the defendant arrested him without a warrant. The burden then rests on defendant to plead and prove a proper justification. * * * Howell v. Viener, 179 Miss. 872, 176 So. 731, at page 733: 'There must be probable cause however to believe that a felony has been committed, and that the person arrested is the guilty one. And where, as here, the party suing makes out a prima facie case, the burden is on the defendant to show probable cause.' And Smith v. Burdett, Tex.Civ.App., 114 S.W.2d 384, at page 385: 'Normally, every one is entitled to his liberty, and when another, whether he be an officer or layman, interferes with such liberty and is called to account therefor, he may prove his authority or suffer the consequences. Consequently, the rule seems to be that the burden is on the one making the arrest or causing same to be made to prove the authority to do so.'...[W]hereas in the instant case it manifestly appears that the court by its instructions placed the burden of proof as to the issue of justification upon the plaintiffs instead of upon the defendant. Therefore, it can be said that the two instructions complained of were 'erroneous under every conceivable state of the evidence'.” *Whitlock v. Boyer*, 77 Ariz. 334, 271 P.2d 484 (Ariz. 1954), 488.

False arrest and false imprisonment cases can give rise to additional claims such as assault and intentional infliction of emotional distress, among other claims. *See Reams v. Tucson*, 145 Ariz. 340, 342 (Ariz. Ct. App. 1985).

In *Reams*, the Arizona Court of Appeals reiterated the principles set out in *Whitlock*:

“False arrest, a species of false imprisonment, is the detention of a person without his consent and without lawful authority. *Slade v. City of Phoenix*, 112 Ariz. 298, 541 P.2d 550 (1975); *Creamer v. Raffety*, 145 Ariz. 34, 699 P.2d 908 (App.1984). A plaintiff establishes a prima facie case by showing that he was arrested by the defendant without a warrant, and the burden then devolves upon the defendant to establish that the arrest was founded upon probable cause. *Whitlock v. Boyer*, 77 Ariz. 334, 271 P.2d 484 (1954). Probable cause exists if the arresting officer at the time of the arrest has reasonable grounds to believe that a felony has been or is being committed and reasonable grounds to believe that the person arrested committed the offense. *Slade v. City of Phoenix*, *supra*.”

Reams v. City of Tucson, 701 P.2d 598, 145 Ariz. 340 (Ariz. App. 1985), 601

In *Reams*, the Arizona Court of Appeals reversed the trial court and remanded for a new trial on the false arrest claim based on the trial court's admission of improper evidence "inherently prejudicial" to the plaintiff. *Id.* at 602.

In *Mitchell v. Dillard Dept. Stores, Inc.*, 3 P.3d 1129, 197 Ariz. 209 (Ariz. App. 2000), the Arizona Court of Appeals started its Opinion as follows:

"The defendants, Dillard Department Stores, Inc. and Rickey Hipp, appeal from the jury verdict and resulting judgment in favor of Billy Mitchell on his claims arising from his detention at a Dillard's store by Rickey Hipp, an off-duty Phoenix police officer acting as a Dillard's security guard. The defendants challenge several of the trial court's rulings, as well as the size of the punitive damages award. Mitchell cross-appeals, contesting the trial court's preclusion of certain evidence and its denial of his requested sanctions based on his offer of judgment. For the reasons discussed below, we affirm the trial court's ruling on the color of law issue."

The Arizona Court of Appeals summarized the facts as follows:

"¶ 6 As Mitchell began to walk toward the store exit, Hipp placed his hand on Mitchell's shoulder and told Mitchell to come with him. Hipp grabbed Mitchell by the arm and took him up the escalator to the security office. At the top of the escalator, Hipp frisked Mitchell and handcuffed his hands behind his back. Because Hipp did not have the key to the security office, he escorted Mitchell, handcuffed, across the sales floor to obtain the key, then back to the security office. ¶ 7 While in the security office, Hipp asked Mitchell for identification. Mitchell gave Hipp his high school identification card. Hipp felt this form of identification was unreliable; therefore, he asked Mitchell for telephone numbers of his family and friends. Hipp eventually reached one of Mitchell's friends, who confirmed Mitchell's identity. Hipp also telephoned the Phoenix Police Department Identification Bureau and the Juvenile Correction Center seeking Mitchell's criminal record and history. Finding nothing, Hipp released Mitchell. The detention lasted approximately one hour. ¶ 8 The record reveals no justification for Hipp's belief that the \$100 bill was counterfeit. Nor does it reveal that Mitchell gave Hipp any reason to handcuff him and parade him around the store. There is no evidence that even remotely supports Hipp's decision to take Mitchell into custody. ¶ 9 Mitchell sued Dillard's, Hipp, and the sales associate,¹ seeking compensatory and punitive damages for false imprisonment/false arrest, assault and battery, intentional infliction of emotional distress, and violation of his civil rights under 42 U.S.C. § 1983."

Mitchell v. Dillard Dept. Stores, Inc., 3 P.3d 1129, 197 Ariz. 209 (Ariz. App. 2000), 211.

Ultimately, the Arizona Court of Appeals affirmed “the trial court's ruling that Hipp was acting under color of state law at the time he detained Mitchell.” *Mitchell v. Dillard Dept. Stores, Inc.*, 3 P.3d 1129, 197 Ariz. 209 (Ariz. App. 2000), 212.

Sadly, this type of racial profiling, racial bias, and/or racial discrimination case is not uncommon for the City of Phoenix and Phoenix Police Department. Recently, in June 2024, the United States Justice Department found Civil Rights Violations by City of Phoenix and Phoenix Police Department. *See* <https://www.justice.gov/archives/opa/pr/justice-department-finds-civil-rights-violations-phoenix-police-department-and-city-phoenix>

Specifically, the United States Department of Justice found that:

“PhxPD uses excessive force, including unjustified deadly force and other types of force....

PhxPD discriminates against Black, Hispanic, and Native American people when enforcing the law....” *Id.*

Digging into the United States Justice Department’s Report, as to the City of Phoenix and Phoenix Police Department, it was found on Page 57 that:

“Black people make up only 7.4% of Phoenix’s population, but on a per capita basis, Black people are cited or arrested three times as often as white people for traffic-equipment related offenses, including four times as often for improper license plate lights and three times as often for improper tinting of windows, and for having rear lights or reflectors that are not red.” *See* <https://www.justice.gov/crt/media/1355866/dl?inline>

Furthermore, it was found on Pages 69-71 of its Report that Phoenix Police was indifferent to claims of individual officer bias. “We found many instances in which people complained that PhxPd officers had unlawfully discriminated against them, but investigators classified the complaints as officer ‘rudeness.’” *Id.* Additionally, “[w]hen it does classify complaints as alleging discriminatory policing, PhxPD seldom takes them seriously. Between January 1, 2016 and April

1, 2022, PhxPD completed only two misconduct investigations into allegations of bias or racial profiling....PhxPd did not open a misconduct investigation into a November 2022 complaint of discriminatory policing against a Black *Wall Street Journal* reporter until the incident became a national news story in early 2023.” *Id.*

Prior to the incident at issue, the City of Mesa and Mesa Police Department also have a history of being investigated by the United States Department of Justice for multiple civil rights violations. <https://www.azcentral.com/story/news/local/mesa/2024/05/17/what-to-know-about-federal-probes-into-mesas-police-use-of-force/73557974007/> Furthermore, very recently, the City of Mesa and Mesa Police were forced to investigate allegations of criminal conduct by certain City of Mesa Park Rangers, who have been called/nick-named the “Goon Squad”. *See* <https://www.azcentral.com/story/news/local/mesa/2025/09/07/mesa-police-warned-about-goon-squad-mesa-rangers-unit/85994570007/> “The ABC15 Investigators reported in April that at least three City of Mesa rangers were accused of sharing a ‘Goon Squad’ patch. The Mesa Police report states that the patch was given to rangers whose purpose was to participate in ‘gooning’ to deal with the ‘homeless problem and n*****s.’” <https://www.abc15.com/news/local-news/investigations/no-assault-charges-filed-after-investigation-into-mesa-park-rangers> Like the City of Phoenix and despite the seriousness and sheer number (“Mesa Police investigated approximately 160 cases involving the rangers”) of the allegations, the City of Mesa and Mesa Police have been indifferent and there were no assault criminal charges filed against any of the applicable City of Mesa Park Rangers. *See id.*

Finally, on liability, as to the City of Phoenix and Phoenix Sky Harbor International Airport AKA Sky Harbor Airport, they have breached their duties to keep their business premises reasonably safe for their invitees, Wesley Leasy and Jade Leasy. Jade Leasy had just returned home from Atlanta on a Delta Airlines’ flight and Wesley Leasy, her Father, was picking her up

from the Airport, as Family members commonly do and as City of Phoenix and Phoenix Sky Harbor International Airport AKA Sky Harbor Airport have anticipated and planned that family members will do (they have created specific Cell Phone Lot(s) and Passenger Pick-Up and Drop-Off Zones on the Curbs).

In the *Ft. Lowell* Case, the Supreme Court of Arizona set out the applicable law:

“Although the obligation required by the law of torts is normally described as the duty to use reasonable care, there are special situations in which the law prescribes a duty requiring a higher degree of care. This higher standard often stems from a special relationship between persons. For example, persons who engage in relationships that are ‘protective by nature’ (e.g., the *common carrier*, innkeeper, employer) are *often held to possess an affirmative duty to guard the safety of their respective charges*. PROSSER & KEETON § 56, at 383. *Similarly, the owner or possessor of land is held to an affirmative duty to protect those described as his invitees by making and keeping the premises safe*. PROSSER & KEETON § 61, at 419, 425-26. It is in these special relationships that the independent contractor rule has its narrowest application.”

Ft. Lowell-NSS Ltd. Partnership v. Kelly, 800 P.2d 962, 166 Ariz. 96 (Ariz. 1990), 101

(Emphasis Added).

The City of Phoenix and Phoenix Sky Harbor International Airport AKA Sky Harbor Airport owed a nondelegable duty to Wesley Leasy and Jade Leasy. In other words, “[a] person causing something to be done, the doing of which casts upon him a duty, cannot escape from the responsibility attaching to him of seeing that duty performed, by delegating it to a contractor. He may bargain with the contractor that he shall perform the duty, and stipulate for an indemnity from him if it is not performed, but he cannot thereby relieve himself from liability to those injured by the failure to perform it.”

Ft. Lowell-NSS Ltd. Partnership v. Kelly, 800 P.2d 962, 166 Ariz. 96 (Ariz. 1990), 101.

“In *Koepke*, the court of appeals recognized that the choice to place liability on the landowner under section 422 is essentially built on a long-standing policy primarily concerned with risk allocation. Specifically, the court delineated the following: the possessor of the land receives the benefit of the independent contractor's work; the possessor is able to insure against the risk of injuries due to the independent contractor's work and incorporate the expense of such insurance as a cost of doing business; and the possessor is in a position to prevent or minimize the risk of injury by selecting a competent contractor, initiating safety procedures, and requiring dangerous conditions to be remedied. *Id.* at 424, 682 P.2d at 429.”

Ft. Lowell-NSS Ltd. Partnership v. Kelly, 800 P.2d 962, 166 Ariz. 96 (Ariz. 1990), 102

See also Springer v. City and County of Denver, 13 P.3d 794 (Colo. 2000) (“We hold that a public entity does not have governmental immunity when it constructs a public building through the services of an independent contractor and a dangerous condition arises from that construction. We further hold that when a public entity provides a public building for public use, it owes a nondelegable duty to protect invitees under Colorado's premises liability statute from an unreasonable risk to their health and safety due to a negligent act or omission in constructing or maintaining the facility.”)

Accordingly, now that liability has been firmly established and based on the clear torts, actions, inactions, negligence, gross negligence, recklessness, indifference, constitutional/legal violations, etc. committed by the City of Mesa, Mesa Police Department, and their involved Police Officers, employees, and/or agents, Mr. Wesley Leasy makes a sum certain settlement Demand in the total amount of \$1,000,000.00.

By way of reminder, Mr. Leasy is entitled to damages for his “mental suffering, including fright, shame, and mortification from the indignity and disgrace, consequent upon an illegal detention is usually considered an injury for which compensation May be made.” *Boies v. Raynor*, 361 P.2d 1, 89 Ariz. 257 (Ariz. 1961), 3. Therefore, Mr. Leasy is entitled to full and fair compensation for his emotional harm, physical harm, and the pain, grief, sorrow, stress, shock, embarrassment, and mental suffering he has experienced and will continue to experience because of this incident.

In this type of case, juries have often found public entities liable for million-dollar or multi-million-dollar verdicts/judgments. Moreover, public entities have often settled prior to trial for six or seven-figure settlements.

The sum certain settlement amount (\$1 Million) stated herein is supported by the following Cases:

In 2023, a federal jury ordered compensation of \$8.25 Million for Aasylei Loggervale and her two daughters, a black Family, that was wrongfully detained by sheriff's deputies at a Northern California Starbucks. The deputies alleged to the Family that "they were being investigated for 'car burglaries committed by unidentified Black men' in recent months...." "All three were handcuffed as deputies searched their car, purses and cellphones before they were released with no citations or criminal charges." Jurors found in favor of the plaintiffs, and "set damages at \$2.75 million for each of the three." <https://www.nbcnews.com/news/us-news/jury-awards-black-family-825-million-wrongful-detention-deputies-calif-rcna74146>

Regarding an incident in 2020, the City of Aurora Colorado agreed to pay \$1.9 Million Settlement to Brittney Gilliam and family, a Black Family, "after police mistakenly believed that she was driving stolen car in 2020" and held them at gunpoint. "The four Black girls lay facedown in a parking lot, crying 'no' and 'mommy' as a police officer who had pointed their gun at them then bent down to handcuff two of their wrists." The Family watched as Ms. Gilliam was "led to a patrol car in handcuffs after she shouted in frustration at the police, who mistakenly believed the car Gilliam was driving was stolen." The Family's attorney stated that the police officers' actions were "evidence of 'profound and systematic' racism...." <https://www.theguardian.com/us-news/2024/feb/06/aurora-settlement-black-family-held-gunpoint-police>

In 2015, a federal jury "awarded a Tucson couple a total of \$1.25 Million after at trial on their claims of false arrest and unconstitutional search and seizure." "Deputies stormed their house and ordered them out of bed at the point of automatic weapons and forced them to stand – handcuffed and in their underwear – outside by the patrol car until their house was cleared." The court held that the deputies had no probable cause or reasonable suspicion once they discovered

facts that disputed the initial report of a domestic dispute.

<https://www.prisonlegalnews.org/news/2016/aug/25/tucson-federal-jury-awards-couple-125-million-false-arrest-case/> and https://tucson.com/news/local/article_a1252e7e-81ae-5ff8-b396-cabaab2da732.html

Finally, in the Trevonyae Cumpian and City of Tempe matter, City of Tempe Police Officer Kerzaya was responding to a hotel for a report an armed white man. Police Officer Kerzaya held Mr. Cumpian, a black front desk hotel employee, “at gunpoint despite Cumpian not matching the suspect description.” The body cam footage showed that Cumpian insisted “that he was a worker, with Kerzaya cutting him off, saying, “I am responding to a man with a firearm who matches your description.” Cumpian was heard asking, “Are you going to shoot me?” Cumpian submitted a Notice of Claim in the total amount of \$2.5 Million. Ultimately, the City of Tempe agreed to a \$300,000.00 settlement “to pay Cumpian to settle all claims related to the incident...”

<https://www.fox10phoenix.com/news/tempe-city-council-approves-settlement-deal-with-black-man-who-was-held-at-gunpoint-by-police-officer>

Accordingly, Mr. Leasy’s sum certain settlement amount is well-supported by the above-listed Cases and the applicable facts of this specific matter. Mr. Leasy has suffered severe mental and emotional anguish due to his and his Daughter’s false arrests. Mr. Leasy has undergone counseling and is still in counseling at the time of the submission of this Notice of Claim. Mr. Leasy, as a former NFL/Cardinals’ football player and a former political candidate, has suffered embarrassment and harm to his reputation as a result of this incident. Mr. Leasy and Jade Leasy are still seeking answers about their arrest and how the Officers at the scene failed to properly perform due diligence and failed to exercise common sense and courtesy.

Simply put, the City of Mesa, Mesa Police Department, and their involved Police Officers, employees, and agents were not prepared for this incident and failed to properly respond to this

incident with the diligence and tact which the situation required. Mr. Leasy and his Daughter were falsely arrested/imprisoned without a warrant and despite no indication of probable cause. The actual Suspect at issue was a young white male individual. As noted in his public interviews to the Media about this incident, Mr. Leasy is very concerned about the issue of race and how that came into play in this incident and how he and his Daughter were treated. Police Officers witnessed a standard/common Father and Daughter reunion at the Airport and then drew their weapons, forcing them both to the ground, handcuffing both of them, and utterly refusing to take the context of the situation into account. Mr. Leasy and his Daughter must grapple with the pain and embarrassment stemming from their public arrest/imprisonment at the Airport. Considering the facts surrounding and public outrage regarding this incident, a sizable and substantial jury verdict is expected, if this matter does not resolve prior to litigation.

Therefore, the settlement check should be made out to "Taylor & Gomez LLP IOLTA In Trust for Wesley Leasy". Our law firm Tax Identification Number and/or W-9 will be timely provided upon request.

Going forward, if you send anything to our law firm in writing through the mail, please kindly include both Partners' names on the correspondence and please send said correspondence to both of our Office addresses: Taylor & Gomez LLP, 2600 North 44th Street, Suite B-101, Phoenix, Arizona 85008 and 1202 East Maryland Avenue, Suite 2E, Phoenix, Arizona 85014. We can also be reached via e-mail at bt@taylorgomezlaw.com and dg@taylorgomezlaw.com, and at the fax number listed in the letterhead above.

Thank you for your time, attention, and consideration. We look forward to amicably resolving this important matter with you, and kindly request your cooperation in this regard.

Sincerely,

/s/Benjamin Taylor, Esq.

/s/Dominic Gomez, Esq.

Benjamin Taylor, Esq.
Dominic Gomez, Esq.
Partners

Enclosures as noted above.