

April 16, 2025

Konni Kendell
Office of the City Clerk
911 N 7th Ave
Pocatello, ID 83201

Jason Dixon
Bannock County Clerk of the Court
624 East Center, Room 211
Pocatello, ID 83201

Secretary of State
State of Idaho
Po Box 83720
Boise, Id 83720-0080

Re: Representation of Luis Alicea grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez

To whom it may concern:

This is to inform you that Burris Nisenbaum Curry & Lacy, LLP represents Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez. Based on my clients' previous interaction with you and/or your organization, my clients suffered past, present, or future physical and/or financial injury or hardship.

The Incident took place April 05, 2025. The time was approximately 5:30 P.M. The location of the incident was 703 North Harrison Avenue, Pocatello, Idaho 83209. Pocatello Police Department used excessive force against Victor Perez and were negligent in their pre-shooting conduct. In addition, Mr. Perez's family members, including Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez were present and suffered emotional distressed caused by

witnessing the negligent conduct of the involved officers by their negligent infliction of emotional distress.

Perez was a non-verbal autistic child that suffered from cerebral palsy. He was seventeen years old. Pocatello Police Department was dispatched to the residence for a possible domestic disturbance. Four officers arrived on scene. Within moments of arriving the officers discharged their weapons. The officers shot Mr. Perez nine times. No de-escalation methods were attempted. Perez possessed a knife at the time of the incident. However, Mr. Perez was located behind a chain link fence. He posed no threat to the officers to warrant the level of force used. After multiple surgeries, Perez was declared brain dead. He was taken off life support.

As a result, the Pocatello Police Department caused the death of Victor Perez.

Very truly yours,

James Cook, Esq.
Burris Nisenbaum Curry & Lacy, LLP

Enclosure

April 16, 2025

Konni Kendell
Office of the City Clerk
911 N 7th Ave
Pocatello, ID 83201

Jason Dixon
Bannock County Clerk of the Court
624 East Center, Room 211
Pocatello, ID 83201

Secretary of State
State of Idaho
Po Box 83720
Boise, Id 83720-0080

Re: Representation of Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez—Preservation of Evidence

To Whom It May Concern:

This is to inform you that Burris Nisenbaum Curry & Lacy, LLP represents Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez. Our clients sustained physical and or financial injuries due to an encounter with you or someone from your organization.

The Incident took place April 05, 2025. The time was approximately 5:30 P.M. The location of the incident was 703 North Harrison Avenue, Pocatello, Idaho 83209. Pocatello Police Department used excessive force against Victor Perez and were negligent in their conduct preceding the shooting.

Perez was a non-verbal autistic child that suffered from cerebral palsy. He was seventeen years old. Pocatello Police Department was dispatched to the residence for a possible domestic disturbance. Four officers arrived on scene. Within moments of arriving the officers discharged their weapons. The officers shot Mr. Perez nine times. No de-escalation methods were attempted. Perez possessed a knife at the time of the incident. However, Mr. Perez was located behind a chain link fence. He posed no threat to the officers to warrant the level of force used. After multiple surgeries, Perez was declared brain dead. He was taken off life support.

As a result, the Pocatello Police Department caused the death of Victor Perez. In addition, Mr. Perez's family members, including Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez were present and suffered emotional distressed caused by witnessing the negligent conduct of the involved officers by their negligent infliction of emotional distress.

Please be advised that this letter constitutes a written, formal demand to you and your organization. Your department and/or agency shall preserve, protect, gather, secure, save or otherwise refrain from disposing of any relevant documents or other tangible evidence. This includes, but is not limited to, all relevant evidence- physical, documentary, and otherwise, which relates in any way to the incident.

You and your organization are hereby put on notice that your agency or department may be held accountable for civil or criminal liability for the destruction and/ or loss of any of the above- referenced items of evidence.

I have included a signed Authorization for Release of Confidential Records for your review. If you have any questions or comments regarding this formal demand for the preservation of the evidence, please do not hesitate to contact us.

Very truly yours,

James Cook, Esq.



7677 Oakport Street, Suite 1120
Oakland, CA 94621
Office: (510) 839-5200
Fax: (510) 839-3882
www.bncllaw.com

Burris Nisenbaum Curry & Lacy, LLP

Enclosure

April 16, 2025

VIA U.S. MAIL

Konni Kendell
Office of the City Clerk
911 N 7th Ave
Pocatello, ID 83201

Jason Dixon
Bannock County Clerk of the Court
624 East Center, Room 211

Pocatello, ID 83201

Secretary of State
State of Idaho
Po Box 83720
Boise, Id 83720-0080

Re: Alizea, et al. v. Pocatello, et al. – ESI Preservation of Evidence Notice

To Whom It May Concern:

This letter serves as a formal Evidence Preservation Notice regarding on any form of Electronically Stored Information (“ESI”) and/or paper-based documentation in the possession, custody or control of your office and/or your clients regarding the above referenced matter. Please promptly communicate this notice to your client and confirm in writing to the undersigned that you have complied with your obligations to do so.

It is our position that your client has a duty to preserve ESI and/or paper-based documentation as it relates to this matter, even without a court order. We refer you to the definition of documents and ESI set forth in FRCP Rule 34 (a).

Because electronic data may be an irreplaceable source of discovery and evidence in this matter, you and your clients have a duty to preserve all potentially relevant electronic data. Furthermore, it is your duty to guarantee that a proper litigation notification is issued and a litigation hold is implemented by your clients with that duty, we request that your clients’ ESI data be preserved and maintained — in native format, and in accordance with the following safeguards:

All relevant documents, in hard copy and in ESI in native format, whether helpful, harmful or neutral, must be retained and cannot be destroyed, deleted or disposed of. If your client has maintained a journal in any format that has bearing on the subject incident the journal must be secured, and not altered and/or deleted.

We further request that you maintain and secure for inspection your client’s cell phones and computers, in use during and/or after the incident, for the purposes of discovery once formal litigation commences.

You must retain hard copies of documents you and/or your client have relating to the incident and/or any claimed damages allegedly sustained because of the incident. This includes, but is not limited to, letters, any form of correspondence, memos, handwritten notes and documents, files and telephone messages or logs.

It is of the utmost importance that you and your client does not dispose of, or destroy, any of these documents.

Likewise, any ESI should not be destroyed or deleted. Examples of electronic documents include: (1) emails stored in an in-box folder, sent items folder, draft folder, trash or deleted items folder, or any other personal electronic folders; (2) word, word-perfect, excel, adobe or any other documents stored on your client's servers or on any of your client's owned or personal computers, cell phones or tablets; (3) electronic calendars; (4) telephone messages and/or messages stored and/or transcribed into emails or (stored on any of your client's cell phones, either personally owned or issued to them by their employers, computers or tablets; 5) text messages stored and/or transcribed on any of your client's owned or personal cell phones, computers or tablets, and (6) any social media postings.

For any relevant electronic documents, it is of the utmost importance that you and your client not delete them from your client's servers, or any client owned or personal computers, cell phones, or tablets. Further, once a hard copy of an electronic document is printed, you and your client must still retain the electronic version of the document on any server, computer, cell phone or tablet on which it is stored.

The above specified parameters are not exhaustive but are provided to give you and your client the requirements regarding the documents that must be retained given this litigation. Any doubts regarding whether a document in any form must be saved must be resolved in favor of retaining the document in both hard copy and in electronic form.

Should you object and otherwise refuse to comply with this notification please indicate the grounds of such position to the undersigned in writing.

Thank you for your prompt attention to this matter.

Very truly yours,

James Cook, Esq.
Burris Nisenbaum Curry & Lacy, LLP
Enclosure

April 16, 2025

Konni Kendell
Office of the City Clerk
911 N 7th Ave
Pocatello, ID 83201

Jason Dixon
Bannock County Clerk of the Court
624 East Center, Room 211
Pocatello, ID 83201

Secretary of State
State of Idaho
Po Box 83720
Boise, Id 83720-0080

Re: Representation of Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez—Records Request Pursuant to Title 74 Chapter 1 - Public Records Act

To Whom It May Concern:

This is to inform you that Burris Nisenbaum Curry & Lacy, LLP represents Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez. Our clients sustained physical and or financial injuries due to an encounter with you or someone from your organization My understanding of the incident is as follows:

The Incident took place April 05, 2025. The time was approximately 5:30 P.M. The location of the incident was 703 North Harrison Avenue, Pocatello, Idaho 83209. Pocatello Police Department used excessive force against Victor Perez.

Perez was a non-verbal autistic child that suffered from cerebral palsy. He was seventeen years old. Pocatello Police Department was dispatched to the residence for a possible domestic disturbance. Four officers arrived on scene. Within moments of arriving the officers discharged their weapons. The officers shot Mr. Perez nine times. No de-escalation methods were attempted. Perez possessed a knife at the time of the incident. However, Mr. Perez was located behind a chain link fence. He posed no threat to the officers to warrant the level of force used. After multiple surgeries, Perez was declared brain dead. He was taken off life support.

As a result, the Pocatello Police Department caused the death of Victor Perez. In addition, Mr. Perez's family members, including Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez were present and suffered emotional distressed caused by witnessing the negligent conduct of the involved officers by their negligent infliction of emotional distress.

This is a formal request that you provide us with the names of all parties from your organization who were involved in the incident. We are requesting these documents under the Idaho Public Records Act.

Pursuant to the act, our clients are entitled to documents in your possession concerning the above-referenced incident.

Moreover, pursuant to Idaho Legislature Title 74, Idaho Code § 74-102 (2024), we hereby request that your organization send us any and all relevant evidence which relates to the incident.

If your department chooses to withhold information, it must justify such withholding pursuant to Section 74-116. If we are required to bring suit in order to obtain these records, we are entitled to attorney's fees under Section 74-116.

We anticipate your prompt attention to this matter. Enclosed for your review is an Authorization for Release of Confidential Records.

Very truly yours,

James Cook, Esq.
Burris Nisenbaum Curry & Lacy, LLP

Enclosure

April 16, 2025

AUTHORIZATION FOR RELEASE OF CONFIDENTIAL RECORDS

Client: Luis Alicea

Date of Birth:

Date of Injury: April 05, 2025

Decedent: Victor Perez

Date of Birth:

Date of Injury: April 05, 2025

TO WHOM IT MAY CONCERN:

I hereby authorize any physician, psychologist, psychiatrist, ambulance service, coroner's office, state or federal agency, chiropractor, health care provider, or other persons or entities to provide to Burris Nisenbaum Curry & Lacy, LLP or to its representatives, agents, or designees, any and all hospital and medical records, billings, reports, notes, charts, mental health records, X-ray films, human tissue, and all other records of every kind and nature relating to my medical history, injuries, services rendered, treatment given, and drug, alcohol, or psychiatric conditions.

I also authorize any police department, state, or federal agency, law enforcement agency, Idaho highway Patrol, Sheriff's office, or other law enforcement agency, insurance company or other attorneys, to provide to my attorneys, or their representatives, employees, or designees, all accident reports, statements, investigation records and documents, and attorney files relating to any accident in which I have been involved, or any injury which I have been sustained.

I additionally authorize any past, current, or perspective employer, accountant, or other individual to release to my attorneys any and all wage and salary records, or such other information that my attorneys may need in order to verify wage and income loss.

I authorize all of the above-named parties and their employees, representatives, and agents to discuss with my attorneys, or their representatives, agents, consultants, and designees, any aspect of my claim, file treatment, records, injuries, employment, or wage loss.

I acknowledge the right to revoke this authorization by writing to the Agent at the above referenced address. However, I understand that any actions already taken in reliance on this authorization cannot be reversed, any my revocation will not affect those actions. I acknowledge the potential for information disclosed pursuant to this authorization to be subject to disclosure by the recipient and no longer protected under 45 CFR 164.508.

I understand that I have a right to receive a copy of this authorization upon my request and that these records shall be used only for the purpose of investigating, pursuing, or filing a claim or lawsuit, for litigation, or for the purpose related to these activities. This authorization is valid for five (5) years from the date below, or until my case is resolved, whichever is earlier.

A copy of this authorization shall have the same force and effect as the original.

I have read, or have had read to me, the above statements, and understand them as they apply to me. I hereby certify that I am eighteen (18) years of age or older, or my parent or guardian has signed below; that I am legally competent to execute this "Authorization for Release of Confidential Records and Information"; and that I, or my parent and/or guardian, have read carefully and understand the above "Authorization for Release of Confidential Records and Information;" and that I have freely and voluntarily signed this "Authorization for Release of Confidential Records and Information".

This is April 16, 2025.

/s/Luis Alicea

Luis Alicea

/s/Ana Vazquez

Ana Vazquez

/s/Monica Perez

Monica Perez

/s/Wanda Alicea

Wanda Alicea



**Burris Nisenbaum
Curry & Lacy**

7677 Oakport Street, Suite 1120
Oakland, CA 94621
Office: (510) 839-5200
Fax: (510) 839-3882
www.bncllaw.com

April 16, 2025

Konni Kendell
Office of the City Clerk
911 N 7th Ave
Pocatello, ID 83201

Jason Dixon
Bannock County Clerk of the Court
624 East Center, Room 211
Pocatello, ID 83201

Secretary of State
State of Idaho
Po Box 83720
Boise, Id 83720-0080

Re: Representation of Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez - Records Request Pursuant to Freedom of Information Act

To Whom It May Concern:

This is to inform you that Burris Nisenbaum Curry & Lacy, LLP represents Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez. Our clients sustained physical and or financial injuries due to an encounter with you or someone from your organization.

The Incident took place April 05, 2025. The time was approximately 5:30 P.M. The location of the incident was 703 North Harrison Avenue, Pocatello, Idaho 83209. Pocatello Police Department used excessive force against Victor Perez.

Perez was a non-verbal autistic child that suffered from cerebral palsy. He was seventeen years old. Pocatello Police Department was dispatched to the residence for a possible domestic disturbance. Four officers arrived on scene. Within moments of arriving the officers discharged their weapons. The officers shot Mr. Perez nine times. No de-escalation methods were attempted. Perez possessed a knife at the time

of the incident. However, Mr. Perez was located behind a chain link fence. He posed no threat to the officers to warrant the level of force used. After multiple surgeries, Perez was declared brain dead. He was taken off life support.

As a result, the Pocatello Police Department caused the death of Victor Perez.

Pursuant to the act, our clients are entitled to documents in your possession concerning the above-referenced incident.

Moreover, pursuant to the Freedom of Information Act, 5 U.S.C. § § 552, we hereby request that your organization send us any and all relevant evidence which relates to the incident.

If your department chooses to withhold information, it must justify such withholding pursuant to 5 U.S.C. § § 552.

We anticipate your prompt attention to this matter. Enclosed for your review is an Authorization for Release of Confidential Records.

Very truly yours,

James Cook, Esq.
Burris Nisenbaum Curry & Lacy, LLP

Enclosure

April 16, 2025

Konni Kendell
Office of the City Clerk
911 N 7th Ave
Pocatello, ID 83201

Jason Dixon
Bannock County Clerk of the Court
624 East Center, Room 211
Pocatello, ID 83201

Secretary of State
State of Idaho
Po Box 83720
Boise, Id 83720-0080

Re: Request for Endorsed Copy Verifying Administrative Claim Received – Burris Nisenbaum Curry & Lacy, LLP

Our Clients: Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez

Date of Incident: April 05, 2025

Attention Government Claims Program:

This to inform you that Burris Nisenbaum Curry & Lacy, LLP represents Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez. Based on my clients'

previous interaction with you and/or your organization, my clients suffered past, present, or future physical and/or financial injury or hardship and emotional distress damages.

The Incident took place April 05, 2025. The time was approximately 5:30 P.M. The location of the incident was 703 North Harrison Avenue, Pocatello, Idaho 83209. Pocatello Police Department used excessive force against Victor Perez and subjected his contemporaneously-present family members, including Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez, to negligent infliction of emotional distress.

Perez was a non-verbal autistic child that suffered from cerebral palsy. He was seventeen years old. Pocatello Police Department was dispatched to the residence for a possible domestic disturbance. Four officers arrived on scene. Within moments of arriving the officers discharged their weapons. The officers shot Mr. Perez nine times. No de-escalation methods were attempted. Perez possessed a knife at the time of the incident. However, Mr. Perez was located behind a chain link fence. He posed no threat to the officers to warrant the level of force used. After multiple surgeries, Perez was declared brain dead. He was taken off life support.

As a result, the Pocatello Police Department caused the death of Victor Perez. In addition, Mr. Perez's family members, including Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez were present and suffered emotional distressed caused by witnessing the negligent conduct of the involved officers by their negligent infliction of emotional distress.

We have attached a copy of a completed claim form, which includes a detailed addendum. We have sent you two copies of the form. We request that you send us back one endorsed copy verifying the time and date that our claim was received. We have enclosed a self-addressed stamped envelope for your convenience. Please feel free to contact me via telephone or email with any further questions or concerns.

Very truly yours,

James Cook, Esq.
Burris Nisenbaum Curry & Lacy, LLP

Enclosure



**Burriss Nisenbaum
Curry & Lacy**

7677 Oakport Street, Suite 1120
Oakland, CA 94621
Office: (510) 839-5200
Fax: (510) 839-3882
www.bncllaw.com

NOTICE OF CLAIM BY CITIZEN TO THE STATE OF IDAHO

TO: SECRETARY OF STATE STATE OF IDAHO
PO BOX 83720
BOISE, ID 83720-0080
(208) 334-2852
claims@sos.idaho.gov

Name of Claimant: Luis Alicea, Wanda Alicea, Ana Vazquez, Monica Perez, and Decedent Victor Perez
Mailing Address: Airport Corporate Centre, 7677 Oakport Street, Suite 1120
City and State: Oakland, CA 94621
Phone Number: (510) 839-5200

In Compliance with Title 6, Chapter 9, Idaho Code, the undersigned hereby presents a claim against the State of Idaho for damages arising out of an occurrence which happened as follows:

1. Date and Time: Approximately 5:30 P.M

2. Place or Location: 703 North Harrison Ave., Pocatello, ID 83209

3. Cause of Damages: (Describe the details and circumstances of the accident or occurrence.)

Excessive police force resulting in the death of Victor Perez, Negligent infliction of Emotional Distress, Negligence, Wrongful Death.

4. Witness:

Name:

Address:

Phone #

Monica Perez, Luis Alicea, Wanda Alicea, Ana Vazquez, and Monica Perez

5. Amount of Claim: \$ See Attachment (Attach all bills or other substantiating information as to the amount of your claim. In the case of vehicle damage, please obtain two (2) estimates.)

6. Personal Injury-If Applicable: (Please describe the extent of your injury, your attending physician, the place of emergency treatment, etc.)

See Attachment

7. Property Damage-If Applicable: (Describe the property damage)

See Attachment

Dated this 15 day of April, 2025. Signature _____

/s/ John Burris

**Please see Idaho Code §6-901 through 6-929. Claims must be filed within 180 days of the date the claim arose or should have been reasonably discovered.*

ATTACHMENT – IDAHO TORT CLAIM

Claimants object to your Claim Form because it requires information which constitutes an invasion of the Claimants' privacy. Moreover, the information is not required to be provided by the Claimants under Idaho Code § 6-907. For example, Idaho Code § 6-907 does not require that the Claimants provide the names, addresses, and phone numbers of witnesses. For the purposes of this document "CLAIMANT" means the individual claimants, claimants plural, and all plaintiffs and parties in interest represented by the Burris Nisenbaum Curry & Lacy, LLP. Therefore, Claimants submit the following information in support of his/her Claim pursuant to Idaho Code § 6-907:

CLAIMANTS' NAMES: Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: Airport Corporate Centre, 7677 Oakport Street, Suite 1120, Oakland, CA 94621.

CLAIMANTS' TELEPHONE NUMBER: C/O Burris Nisenbaum Curry & Lacy, LLP
(510) 839-5200

DATE AND TIME OF INCIDENT: April 05, 2025. Time: 05:30 P.M.

LOCATION OF INCIDENT: 703 North Harrison Ave., Pocatello, ID 83209

THE FOLLOWING PROVIDES A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGES OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM" AND "THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES CAUSING THE INJURY, DAMAGES, OR LOSS, IF KNOWN: For the purposes of this claim, "AGENCY" is defined by and refers to the municipal, county, or state entity, which governs Office of Risk and Insurance Management.

DESCRIPTION OF INCIDENT:

The Incident took place April 05, 2025. The time was approximately 5:30 P.M. The location of the incident was 703 North Harrison Avenue, Pocatello, Idaho 83209. Pocatello Police Department used excessive force against Victor Perez.

Perez was a non-verbal autistic child that suffered from cerebral palsy. He was seventeen years old. Pocatello Police Department was dispatched to the residence for a possible domestic disturbance. Four officers arrived on scene. Within moments of arriving the officers discharged their weapons. The officers shot Mr. Perez nine times. No de-escalation methods were attempted. Perez possessed a knife at the time of the incident. However, Mr. Perez was located behind a chain link fence. He posed no threat to the officers to warrant the level of force used. After multiple surgeries, Perez was declared brain dead. He was taken off life support.

As a result, the Pocatello Police Department caused the death of Victor Perez. In addition, Mr. Perez's family members, including Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez were present and suffered emotional distress caused by witnessing the negligent conduct of the involved officers by their negligent infliction of emotional distress.

DESCRIPTION OF CLAIM:

Claimants allege that the conduct of individual employees, agents, and/or servants of AGENCY constitute State statutory violations, which might include but are not limited to assault, battery, false imprisonment, negligence, intentional infliction of emotional distress, negligent infliction of emotional distress, and State civil rights laws.

Claimants allege those individual employees, agents and/or servants of AGENCY are responsible for Plaintiffs' injuries, and acts and/or omissions committed within the course or scope of employment under the theory of respondeat superior. Respondeat superior liability includes but is not limited to, negligent training, supervision, control and/or discipline.

Individual employees, agents, and/or servants of the AGENCY, include but are not limited to, the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for AGENCY, and DOES 1-100, and/or each of them, individually and/or while acting in concert with one another.

Claimants allege the appropriate offenses listed below.

Claimants allege excessive force include, but was not limited to, conduct causing Plaintiff to suffer injuries.

Claimants allege that AGENCY employees were deliberately indifferent to claimants' safety by putting Plaintiff at risk of serious physical injury.

Claimants allege that cruel and unusual punishment included, but was not limited to, conduct causing Plaintiff to suffer punishments not authorized by law while detained by AGENCY.

Claimants allege that assault included, but was not limited to, conduct causing Plaintiff to reasonably fear a harmful offensive touching upon Plaintiffs' person.

Claimants allege that negligence and negligent infliction of emotional distress included, but was not limited to, breach of duty upon failing to exercise due care by placing Plaintiffs at risk of serious physical injury.

Claimants allege that negligent hiring included, but was not limited to, breach of duty upon failing to exercise due care by hiring individuals likely to cause physical injury to citizens while acting under color of law in an official capacity.

Claimants allege that intentional infliction of emotional distress included, but was not limited to, outrageous acts or omissions with the intent to cause emotional distress to another individual. The intentional conduct resulted in Plaintiffs' physical injuries.

Claimants will allege other causes of action subject to continuing discovery.

DESCRIBE INJURY OR DAMAGE:

Claimants have, or may have in the future, claims for general damages, including, but not limited to, claims for pain, suffering and emotional distress in amounts to be determined according to proof.

Claimants may have and/or may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, lost wages, damage to career, damage to educational pursuits, damage to property and/or other special damages in amounts to be determined according to proof.

Claimants may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring, and/or other psychological disabilities in an amount according to proof.

NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE: See description of the incident, above.

DEMAND FOR PRESERVATION OF EVIDENCE:

Claimants do hereby demand that AGENCY including, but not limited to, the appropriate city or county law enforcement agency, its employees, servants and/or attorneys, maintain and preserve all evidence, documents and tangible materials which relate in any manner whatsoever to the subject matter of this Claim, including until the completion of any and all civil and/or criminal litigation arising from the events which are the subject matter of this Claim. This demand for preservation of evidence includes, but is not limited to, a demand that all public safety entities preserve all tapes, logs and/or other tangible materials of any kind until the completion of any and all civil and criminal litigation arising from the subject matter of this claim.

AMOUNT OF CLAIM:

This claim is in excess of \$25,000.

DESCRIBE INJURY OR DAMAGE:

Claimants have, or may have in the future, claims for general damages, including, but not limited to, claims for pain, suffering and emotional distress in amounts to be determined according to proof.

Claimants may have and/or may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, lost wages, damage to career, damage to educational pursuits, damage to property and/or other special damages in amounts to be determined according to proof.

Claimants may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring, and/or other psychological disabilities in an amount according to proof.

NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE: See description of the incident, above.

DEMAND FOR PRESERVATION OF EVIDENCE:

Claimants do hereby demand that CITY OF POCATELLO, POCATELLO POLICE DEPARTMENT, including, but not limited to, the appropriate city or county law enforcement agency, its employees, servants and/or attorneys, maintain and preserve all evidence, documents and tangible materials which relate in any manner whatsoever to the subject matter of this Claim, including until the completion of any and all civil and/or criminal litigation arising from the events which are the subject matter of this Claim. This demand for preservation of evidence includes, but is not limited to, a demand that all public safety entities preserve all tapes, logs and/or other tangible materials of any kind until the completion of any and all civil and criminal litigation arising from the subject matter of this claim.

AMOUNT OF CLAIM:

This claim is in excess of \$25,000.

DATED: April 16, 2025

Very truly yours,

James Cook, Esq.
Burris Nisenbaum Curry & Lacy, LLP
Enclosure

PROOF OF SERVICE

I, Joyce Pearce, declare as follows:

I am over eighteen years old and not a party to this Claim. My business address is Airport Corporate Center, 7677 Oakport Street, Suite 1120 Oakland, CA 94621. I caused the foregoing:

- *Letter Re Representation of Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez*
- *Letter Re Representation of Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez – Preservation of Evidence*
- *Letter Re Representation of Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez; Ana Vazquez, aunt to Decedent Victor Perez – ESI Notice Preservation of Evidence*
- *Letter Re Representation of Luis Alicea, grandfather and guardian to Decedent Victor Perez; Wanda Alicea, mother to Decedent Victor Perez; Monica Perez, sister to Decedent Victor Perez;*

Ana Vazquez, aunt to Decedent Victor Perez – Records Request Pursuant to Title 74 Chapter 1 - Public Records Act

- *Authorization for Release of Confidential Records*
Letter Re Request for Endorsed Copy Verifying Administrative Claim Received – Burris Nisenbaum Curry & Lacy, LLP
- *State Claim Form Pursuant to Idaho Legislation Title 6 Chapter 9*

to be served on the following parties in the following manner:

Mail Overnight Mail Personal Service Email

Konni Kendell
Office of the City Clerk
911 N 7th Ave
Pocatello, ID 83201

Jason Dixon
Bannock County Clerk of the Court
624 East Center, Room 211
Pocatello, ID 83201

Secretary of State
State of Idaho
Po Box 83720
Boise, Id 83720-0080

I declare under penalty of perjury that the foregoing is true and correct and that this declaration of service was executed in Oakland, CA on April 16, 2025.

Signed: /s/Joyce Pearce