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**SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

UKO UDOFIA and QUEENSLEY
UDOFIA, husband and wife

Plaintiffs,

v.

CITY OF PHOENIX, a public entity;
OFFICER RYAN HOFFRICHTER,
individually and in his official capacity as a
police officer with the City of Phoenix
Department; OFFICER LANCE WISURI,
individually and in his official capacity as a
police officer with the City of Phoenix
Department; OFFICER STEVE MEAD,
individually and in his official capacity as a
police officer with the City of Phoenix
Department; OFFICER NATHANIEL
HANSEN, individually and in his official
capacity as a police officer with the City of
Phoenix Department, JOHN DOES I-V, an
individual(s), acting under the color of law,

No. CV2021-018285
COMPLAINT

1 and JANE DOES I-V, an individual(s),
2 acting under the color of law; XYZ
3 CORPORATIONS; ABC LLCs
4
5 Defendants.

6 Plaintiffs Uko Udofia and Queensley Udofia, husband and wife, for their complaint
7 against defendants, hereby allege as follows:

8 1. This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983
9 and 1988, the Fourth and Fourteenth Amendments to the United States Constitution; Article
10 2, §§ 4,8 and 13 to the Arizona Constitution; and under the law of the State of Arizona
11 against Officer Ryan Hoffrichter individually and in his official capacity as a police officer
12 with the City of Phoenix Police Department; Officer Lance Wisuri individually and in his
13 official capacity as a police officer with the City of Phoenix Police Department; Officer
14 Nathaniel Hanson individually and in his official capacity as a police officer with the City of
15 Phoenix Police Department; and Officer Steve Mead individually and in his official capacity
16 as a police officer with the City of Phoenix Police Department; and the City of Phoenix in
17 the State of Arizona.

18 JURISDICTION AND VENUE

19 2. This Court has jurisdiction over the parties of this action. The amount of damages
20 sought by Plaintiffs exceeds the minimum jurisdictional amount established for filing in this
21 Court pursuant to the Arizona Constitution and common law.

22 3. Venue is proper in this Court because the events that gave rise to this lawsuit
23 occurred in Maricopa County.
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1 4. A proper and timely Notice of Claim/Administrative Demand pursuant to the
2 laws of the State of Arizona was served upon each named Defendant, and over sixty (60) days
3 has passed since that service. A.R.S. § 12-821.01.

4 5. This is a Tier 3 case.
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7 PARTIES

8 6. Plaintiffs Uko Udofia and Queensley Udofia (Plaintiffs) are and were at all
9 relevant times residents of Maricopa County, Arizona. They are the surviving parents of
10 Ekom Udofia, deceased, who died November 30, 2020 from fatal gunshot wounds caused
11 by the actions and or inactions of Defendants Officer Ryan Hoffrichter (badge no. 9060)
12 (“Hoffrichter”), Officer Lance Wisuri (badge no. 10531) (“Wisuri”), Officer Nathaniel
13 Hansen (badge no. 9873) (“Hansen”) and Officer Steve Mead (badge no. 7163) (“Mead”) of
14 the Phoenix Police Department (“PPD”) (collectively “Defendants”) and the actions and/or
15 inactions of the Phoenix Police Department.

16 7. The acts and or omissions complained of herein caused events to occur within
17 the County of Maricopa, State of Arizona, which caused the death of decedent Ekom.

18 8. Defendant Hoffrichter was at all times relevant to this complaint acting as an
19 employee of the City of Phoenix, pursuant to the policies of the PPD. Hoffrichter is a state
20 actor as the term is used in the jurisprudence of 42 U.S.C. § 1983.

21 9. Defendant Wisuri was at all times relevant to this complaint acting as an
22 employee of the City of Phoenix, pursuant to the policies of the PPD. Wisuri is a state actor
23 as the term is used in the jurisprudence of 42 U.S.C. § 1983.

24 10. Defendant Hansen was at all times relevant to this complaint acting as an
25 employee of the City of Phoenix, pursuant to the policies of the PPD. Hansen is a state actor
26 as the term is used in the jurisprudence of 42 U.S.C. § 1983.

1 11. Defendant Mead was at all times relevant to this complaint acting as an
2 employee of the City of Phoenix, pursuant to the policies of the PPD. Mead is a state actor
3 as the term is used in the jurisprudence of 42 U.S.C. § 1983.

4 12. Defendant City of Phoenix, including all of its departments, subdivisions,
5 agencies, agents, and employees is a public municipal corporation formed and designated as
6 such pursuant to Title 9 of the Arizona Revised Statutes. As such, the City of Phoenix is
7 subject to civil suit and may be held liable both independently and vicariously, as permitted
8 by federal and state law, for the wrongful conduct of its officers, employees, agents,
9 districts, and divisions/sub-divisions, including (without limitation) members of the PPD.

10 13. The actions of all Defendants herein alleged were committed under color of
11 State law, to-wit, under the color of the statutes, ordinances, regulations, policies, customs
12 and usages of the State of Arizona and the City of Phoenix.

13 14. Defendant Hoffrichter's actions at all times herein mentioned were done
14 within the course and scope of his agency and employment with the Defendant City of
15 Phoenix.

16 15. Defendant Wisuri's actions at all times herein mentioned were done within the
17 course and scope of his agency and employment with the Defendant City of Phoenix

18 16. Defendant Hansen's actions at all times herein mentioned were done within
19 the course and scope of his agency and employment with the Defendant City of Phoenix.

20 17. Defendant Mead's actions at all times herein mentioned were done within the
21 course and scope of his agency and employment with the Defendant City of Phoenix.

22 18. Defendant City of Phoenix is responsible for the actions of their individual
23 officers and employees under the doctrine of *respondeat superior*.

24 19. Ekom Udofia was the child of Plaintiffs.

25 20. He was thirty-three when he was killed as a direct and proximate result of
26 being shot by PPD.

1 FACTS

2 21. On November 30, 2020, an employee of the AM/PM located near the
3 intersection of West Indian School Road and North 23rd Avenue, called 911 to report a
4 “big guy dancing in the middle of the street and attempting to jump onto cars as they
5 passed by.”.

6 22. The caller stated that Ekom was in crisis and needed help and called 911.

7 23. PPD dispatched 2 units. The unit manned by Officers Hoffrichter and Wisuri
8 was the first to arrive on site at approximately 0205.

9 24. Officers Hoffrichter and Wisuri stopped in the middle of the road and exited
10 the vehicle, taking cover behind the passenger and driver’s doors respectively.

11 25. Officers Hoffrichter and Wisuri noticed Ekom walking toward them with a
12 normal gait and his arms by his side.

13 26. Ekom’s path was a little to the right of the headlights on the passenger side of
14 the police unit.

15 27. Officers Hoffrichter and Wisuri noticed that Ekom had a replica gun when he
16 was about 50 feet from the patrol unit.

17 28. Ekom was not suspected of a crime. Open carry of a weapon is permitted by
18 Arizona Law.

19 29. Officer Hoffrichter ordered Ekom to drop the gun on a number of occasions.

20 30. Ekom did not drop the gun as ordered. Ekom did not raise or point the gun at
21 Officer Hoffrichter or Officer Wisuri.

22 31. As Ekom neared the right corner of the patrol unit, Officer Wisuri yelled “I’ve
23 got to shoot him bro”.

24 32. Approximately 4 seconds after Officer Wisuri yelled “I’ve got to shoot him
25 bro”, Officer Hoffrichter can be heard in the body cam video, yelling “shoot him, shoot him,
26 shoot him”.

1 33. After Officer Hoffrichter yelled “shoot him, shoot him, shoot him”, both
2 Officers fired their weapons.

3 34. Wisuri and Hoffrichter fired four and two shots respectively, striking Ekom at
4 least four times.

5 35. Two of the shots struck Ekom in the upper right chest.

6 36. One bullet entered the upper right chest with a trajectory of front to back,
7 slightly left to right and downward.

8 37. A second bullet entered the anteromedial area with a trajectory of front to
9 back and downward.

10 38. Two shots struck Ekom in the right shoulder.

11 39. One entered the anterior right shoulder with a wound trajectory that was front
12 to back, right to left, and downwards with the arm placed in standard anatomic position,
13 perforating the deltoid muscle and the subcutaneous tissue of the right lateral chest wall.

14 40. Another entering the posterior area with a wound trajectory that was
15 downward and slightly right to left.

16 41. Based on a Medical Examiner’s report, Ekom died as a result of the “Gunshot
17 wounds of the torso.”.

18 42. Ekom fell to the ground while, or immediately after, being shot and remained
19 on the ground until he was physically removed by officers.

20 43. All of the officers, other than Officers Hoffrichter and Wisuri, arrived on site
21 after Ekom was shot by Hoffrichter and Wisuri and therefore knew Ekom had been shot and
22 where he was.

23 44. While on the ground, Ekom’s mobility was limited. Ekom was clearly not
24 going anywhere after having been shot.

25 45. Officer Mead arrived on site approximately five minutes after Ekom was shot
26 by Officers Hoffrichter and Wisuri.

1 46. Upon arrival, Officer Mead joined Officers Hoffrichter and Wisuri in a
2 secured position behind a police unit.

3 47. Within five minutes of arriving on site, Officer Mead fired three shots striking
4 Ekom in his left thigh. The trajectory of those wounds were described as back to front,
5 upwards and slightly to the right.

6 48. Upon arrival, Officer Hansen secured a position on the passenger side of a
7 police unit and used the door of that vehicle to steady his rifle.

8 49. Within one minute of arriving on site, Officer Hansen fired four shots at
9 Ekom.

10 50. One of the shots fired by Officer Hansen struck Ekom in his left elbow and
11 two struck him in the left buttock.

12 51. The two shots to Ekom's left buttock entered at a trajectory of back to front
13 and upwards.

14 52. The bullet entering Ekom's left forearm/elbow followed a trajectory of "back
15 to front".

16 53. None of the officers on site were at risk when Mead and Hansen fired their
17 weapons. In fact, reports indicate that Mead had to "peer" around the passenger side of the
18 Tahoe to fire his weapon at Ekom.

19 54. Each PPD officer arriving on site after Officers Hoffrichter and Wisuri were
20 apprised of the situation and had an opportunity to position themselves in a manor to protect
21 themselves and Ekom.

22 55. The officers placed themselves in a position that led them to conclude or
23 believe they were in danger.

24 56. These unreasonable actions resulted in Ekom being shot multiple times,
25 thereby causing his death.

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57. But for the negligence that set the stage for the shooting, it would not have occurred.

58. Based on reports and belief, Ekom was unnecessarily and inhumanely peppered by as many as thirty projectiles, including baton rounds, sage rounds, stun bags and pepper ball rounds as he lay on the ground.

59. After being shot and peppered with more than thirty nonlethal projectiles, Ekom was attacked by a dog from the K-9 unit and dragged several feet as he lay dying in the street.

60. Based on the timeline summary of total data collected prepared by PPD, twenty-two minutes elapsed between the time Officers Hoffrichter and Wisuri arrived on site and PPD announced the site as secured.

COUNT ONE

(Violation of 42 U.S.C. § 1983 and the Deprivation of Rights under the Fourth and Fourteenth Amendments to the United States Constitution against Defendants Hoffrichter, Wisuri, Mead and Hansen)

61. Plaintiffs hereby incorporate all preceding paragraphs by reference.

62. This count is brought pursuant to 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments to the United States Constitution.

63. Defendants Hoffrichter, Wisuri, Mead and Hansen use of force was entirely unjustified by any actions of Ekom and constituted an unreasonable seizure of Plaintiffs' person and unreasonable and excessive use of force.

64. Defendants Hoffreichter, Wisuri, Mead and Hansen had at least several minutes in which to create a perimeter, assemble force, establish cover, and, arguably, try to communicate with Ekom.

65. Ekom was clearly mentally disturbed.

66. Defendants Hoffrichter, Wisuri, Mead and Hansen violated Ekom's rights to be free from the use of excessive and unreasonable force, from a deprivation of liberty without due process of law, and from summary punishment.

67. Defendants Hoffrichter, Wisuri, Mead and Hansen subjected Ekom to such deprivations by either malice or a reckless disregard of his rights.

68. The reckless, intentional and/or deliberate acts and omissions of Defendants Hoffrichter, Wisuri, Mead and Hansen were the direct and legal cause of the deprivation of Ekom's constitutionally protected rights under the Fourth Amendment and Fourteenth Amendment and the deprivation of Plaintiffs and the statutory beneficiaries' constitutionally protected rights under the Fourteenth Amendment to the care, companionship and familial society of Ekom, their son.

COUNT TWO

(Negligent Supervision and/or Training against Defendant City of Phoenix)

69. Plaintiffs hereby incorporate all preceding paragraphs by reference.

70. Defendant City of Phoenix was negligent in failing to train and supervise, or otherwise control Defendants Hoffrichter, Wisuri, Mead and Hansen.

71. As a direct and proximate result of the negligence of Defendant City of Phoenix as alleged above, Plaintiffs and the statutory beneficiaries have been deprived of the continued companionship and society of their son and have suffered and will continue to suffer in the future a loss of love, affection, companionship, care, protection, guidance, as well as pain, grief, sorrow, anguish, stress, shock, and mental suffering, and economic and non-economic damages in an amount to be proven at trial. Defendants caused the damages to the Plaintiffs and the statutory beneficiaries as set forth above.

1 COUNT THREE

2 **(Negligent Hiring against Defendant City of Phoenix)**

3 72. Plaintiffs hereby incorporate all preceding paragraphs by reference.

4 73. Defendant City of Phoenix should have known that Defendants Hoffrichter,
5 Wisuri, Mead and Hansen were not fit to serve as law enforcement officers and were
6 therefore negligent in hiring them.

7 74. As a direct and proximate result of the negligence of Defendant City of
8 Phoenix negligence as alleged above, Plaintiffs and the statutory beneficiaries have been
9 deprived of the continued companionship and society of their son and have suffered and will
10 continue to suffer in the future a loss of love, affection, companionship, care, protection,
11 guidance, as well as pain, grief, sorrow, anguish, stress, shock, and mental suffering, and
12 economic and non-economic damages in an amount to be proven at trial. Defendants caused
13 the damages to the Plaintiffs and the statutory beneficiaries as set forth above.

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15 COUNT FOUR

16 **(Defendants Hoffrichter, Wisuri, Mead and Hansen Battered Ekom and Caused
his Wrongful Death)**

17 75. Plaintiffs hereby incorporate all preceding paragraphs by reference.

18 76. Defendants Hoffrichter, Wisuri, Mead and Hansen caused harmful contact by
19 unlawfully shooting Ekom, without justification, excuse or consent.

20 77. Defendants Hoffrichter, Wisuri, Mead and Hansen's conduct was not justified
21 because they did not have an articulable suspicion that Ekom had committed a crime or was
22 about to a commit a crime.

23 78. Defendants Hoffrichter, Wisuri, Mead and Hansen's conduct was not justified
24 because Ekom was not resisting arrest; was not attempting to escape by use of a deadly
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1 weapon; had not exhibited any reasonable threat to endanger human life or inflicted serious
2 bodily injury to another; nor was he threatening the use of deadly physical force.

3 79. Defendants Hoffrichter, Wisuri, Mead and Hansen's conduct was intentional;
4 evidenced malice, spite, and ill will; was willful and wanton; and evidenced conscious
5 disregard for the rights of Plaintiffs.

6 80. As a direct and proximate result of the defendants Hoffrichter, Wisuri, Mead
7 and Hansen conduct as alleged above, Plaintiffs and the statutory beneficiaries have been
8 deprived of the continued companionship and society of their son and have suffered and will
9 continue to suffer in the future a loss of love, affection, companionship, care, protection,
10 guidance, as well as pain, grief, sorrow, anguish, stress, shock, and mental suffering, and
11 economic and non-economic damages in an amount to be proven at trial. Defendants caused
12 the damages to the Plaintiffs and the statutory beneficiaries as set forth above.

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14 PRAYER FOR RELIEF

15 **WHEREFORE**, Plaintiffs respectfully request that this Court grant relief
16 against Defendants as follows:

- 17 A. An award of special damages, in an amount to be proven at trial;
18 B. An award of compensatory damages, in an amount to be proven at trial, for the
19 pain, suffering and emotional distress sustained by Plaintiffs and the statutory beneficiaries;
20 C. For Plaintiffs' reasonable attorneys' fees and costs, as allowed by law,
21 incurred and expended herein; and
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D. For such further relief as the Court deems just and proper.
Plaintiffs respectfully requests a trial by jury on all issues in this matter triable to a jury.

Dated November 29, 2021

MESCH CLARK ROTHSCHILD

By: /s/Richard Davis
Richard Davis
Nathan Rothschild
Attorneys for Plaintiffs

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