

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ILMIYA YARULLINA, Individually and as
Personal Representative of the Estate of
GORDON CASEY

13833 Bronco Pl,
Germantown, MD 20874

Plaintiff,

v.

THE UNITED STATES OF AMERICA

Serve:

Civil Process Clerk
United States Attorney for the District of
Columbia
601 D Street, NW
Washington, DC 20004

United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

and

UNITED STATES SECRET SERVICE
Of the Department of Homeland Security

950 H Street, NW, Suite 7800
Washington, DC 20233

and

DIRECTOR JAMES M. MURRAY
Individually and as a former employee of the
United States Secret Service

950 H Street, NW, Suite 7800
Washington, DC 20233

and

CASE NO.: _____

JURY TRIAL DEMANDED

DIRECTOR KIMBERLY A. CHEATLE

Individually and as an employee of the
United States Secret Service

950 H Street, NW, Suite 7800
Washington, DC 20233

and

UNITED STATES SECRET SERVICE

OFFICERS DOE 1-3

Individually and as employees of the United
States Secret Service

950 H Street, NW, Suite 7800
Washington, DC 20233

Defendants.

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff Ilmiya Yarullina, individually as the surviving mother of Gordon Casey and as the Personal Representative of his estate, by and through her undersigned counsel, Drew LaFramboise and Joseph, Greenwald & Laake, P.A., and sues the Defendants, The United States of America, United States Secret Service, United States Secret Service Director James M. Murray, United States Secret Service Director Kimberly A. Cheatle, and United States Secret Service Officers Doe 1-3, claims damages, demands judgment, and in support thereof states as follows:

PARTIES AND JURISDICTION

1. Plaintiff, Ilmiya Yarullina, is an adult resident of Germantown, Maryland. She is the Personal Representative of the Estate of her late son, Gordon Casey, who was killed on April 20, 2022 in the District of Columbia.

2. Ilmiya Yarullina was named Personal Representative of the Estate of Gordon Casey pursuant to the Letters of Administration issued by the Register of Wills for Montgomery County, MD on June 23, 2022.

3. Defendant United States of America is a sovereign government that has consented to be sued for civil damages under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b) and 2871, *et seq.*

4. Defendant United States Secret Service (“U.S. Secret Service”) is a federal law enforcement agency under the Department of Homeland Security. The U.S. Secret Service is and was at all relevant times the federal agency responsible for providing security for the former and current Presidents of the United States, the Vice President of the United States, the president-elect and vice president-elect, the immediate family members of the aforementioned individuals, major presidential and vice presidential candidates, certain visiting officials of foreign states or governments, certain senior federal officials or individuals as designated per Executive Order of the President, and National Special Security Events when designated by the Secretary of the Department of Homeland Security.¹

5. Defendant James M. Murray (“Director Murray”) is the former Director of the United States Secret Service and was an employee and agent of the United States Secret Service.

6. Defendant Kimberly A. Cheatle (“Director Cheatle”) is the current Director of the United States Secret Service and an employee and agent of the United States Secret Service.

7. Defendant United States Secret Service Officers Doe 1-3 (“Officers Doe 1-3”) are or were individual agents and employees of the United States Secret Service who were involved

¹ United States Secret Service, *Frequently Asked Questions About Us*, <https://www.secretservice.gov/about/faq/general>.

in the facts and events alleged herein. At all times relevant hereto, these Defendants were acting under color of law. Plaintiff has been unable to ascertain the true identities of these Defendants in advance of the filing of this action, and accordingly has named these individuals under pseudonyms for the purpose of this Complaint.

8. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343, and 1346(b). This Court has supplemental jurisdiction over the Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

9. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1)-(2) and 1391(e)(1).

10. Plaintiff has exhausted her administrative remedies under the Federal Tort Claims Act, 28 U.S.C. § 2675. Plaintiff gave notice of her claims to the U.S. Secret Service via letter correspondence and an executed Standard Form 95. This correspondence was dated April 12, 2023 and was sent via United States Certified Mail. The notice was received by the U.S. Secret Service on April 17, 2023 at 7:15 a.m. The U.S. Secret Service did not respond to Plaintiff's notice. Plaintiff inquired about the status of her administrative claims via letter correspondence of March 19, 2024 which was delivered to and received by the U.S. Secret Service via Federal Express. Plaintiff did not receive a response to her letter correspondence. The U.S. Secret Service has failed to make a final determination of Plaintiff's claims within six months after the claims were presented, and pursuant to 28 U.S.C. § 2675(a), Plaintiff elects to consider such failure to act as a final denial of the claims.

FACTUAL ALLEGATIONS

11. On April 20, 2022, around 8:00 a.m., Gordon Casey was shot to death by officers of the U.S. Secret Service.

12. At the time he was shot to death, Gordon was in the backyard of the Peruvian Ambassador's residence, in Northwest Washington, DC.

13. At the time he was shot to death, Gordon was unarmed.

14. At the time he was shot to death, Gordon was 19 years old.

15. The morning of April 20, 2022, after years of battling severe mental health issues, Gordon was in in the midst of a mental health crisis.

16. In this state, and for unknown reasons, he entered the grounds of the residence of the Peruvian Ambassador.

17. In the throes of his mental health crisis, Gordon picked up a decorative "Tiki Torch" and began waving it around. Gordon struck a few windows with the Tiki Torch.

18. Gordon was yelling incomprehensible statements like, "mucho pollo," which translates to "lots of chicken" in Spanish.

19. Gordon was approached by members of the Peruvian Ambassador's staff who attempted to engage with him. At no time did Gordon harm any staff person at the Peruvian Ambassador's residence.

20. At no time did Gordon harm or threaten to harm the Peruvian Ambassador, any family member of the Peruvian Ambassador, or any employee or staff person at the Peruvian Ambassador's residence.

21. At or around 7:49 a.m., members of the Peruvian Ambassador's staff called the U.S. Secret Service, Foreign Missions Branch, reporting a perceived burglary.

22. The U.S. Secret Service dispatcher advised the responding officers that the subject (Gordon) was reportedly not being combative. During the approximate ten minutes

between Gordon being discovered at the property and U.S. Secret Service Officers encountering him there, he did not harm any individual.

23. At approximately 7:54 a.m., officers from the U.S. Secret Service Uniformed Branch arrived at the scene. At least three (3) units reported to the scene.

24. Upon arrival, three U.S. Secret Service Officers—Officers Doe 1-3—were met by Peruvian Embassy staff members who directed them to the backyard.

25. There, they encountered Gordon. The Officers instructed Gordon to drop the decorative Tiki Torch.

26. Gordon did not respond to the Officers.

27. At approximately 7:55 a.m., Officer Doe 1 (a U.S. Secret Service Sergeant) discharged an electronic control device toward Gordon. It struck Gordon in the left bicep.

28. Officers Doe 2 and 3 then used their service pistols to fire multiple rounds of bullets at Gordon. Within less than a minute of entering the property, the U.S. Secret Service Officers shot Gordon twice.

29. Officers Doe 2 and 3 were approximately three (3) to four (4) meters away from Gordon when they shot him.

30. U.S. Secret Service Officers at the scene stated over their radios at 7:56:58 a.m. that shots had been fired.

31. The District of Columbia Metropolitan Police Department Investigation Report indicates that, per their review of radio transmission, Officers Doe 2 and 3 fired their service pistols and used lethal force within 53 seconds of entering the property.

32. The Investigation Report found that Officer Doe 2 (a U.S. Secret Service Sergeant) discharged his service pistol one (1) time at Gordon, and Officer Doe 3 (a U.S. Secret Service Officer) discharged his service pistol six (6) times at Gordon.

33. One bullet struck Gordon in the right flank, perforating Gordon's liver and right kidney, exiting his lower back. This bullet traveled from right to left, front to back, at a slightly downward angle.

34. The second bullet struck the middle of Gordon's right chest, perforating Gordon's heart and damaging Gordon's lung and spinal cord. This bullet was recovered from his T9-T10 spinal cord. The bullet traveled right to left, front to back, at a downward angle.

35. Upon information and belief, Gordon was in a vulnerable position when he was struck by the second bullet.

36. Witnesses reported hearing between three (3) and six (6) gunshots.

37. After Gordon was shot, and while he lay dying on the ground, the U.S. Secret Service Officers handcuffed him behind his back.

38. The U.S. Secret Service requested that the D.C. Fire and Medical Emergency Services ("DCFMES") be dispatched to the scene. DCFMES arrived approximately five (5) minutes later.

39. After life-saving efforts by the DCFMES, Gordon was pronounced dead at the scene.

40. After being shot, Gordon was alive for several minutes before he ultimately succumbed to his injuries.

41. The D.C. Office of the Medical Examiner determined that Gordon's cause of death was multiple gunshot wounds and the manner of death was homicide.

42. Upon information and belief, Officers Doe 1-3 were each carrying electronic control devices and batons, in addition to their service pistols.

43. Officers Doe 1-3 did not utilize sufficient or reasonable techniques to address and attempt to deescalate Gordon Casey's mental health crisis before using lethal force.

44. Officers Doe 2 and 3 did not reasonably attempt to use less lethal or less intrusive force before firing their service pistols at Gordon Casey.

45. At the time Officers Doe 2 and 3 fired their service pistols at Gordon Casey, Gordon did not pose an imminent threat of death or serious bodily injury to any person at the scene.

46. During his interactions with the U.S. Secret Service, Gordon did not make any comments or say anything to the U.S. Secret Service Officers.

47. Other than Gordon, no one else at the scene was injured.

48. The U.S. Secret Service's investigation of the scene uncovered at least six (6) fired 9mm Luger cartridge casings.

49. To this day the U.S. Secret Service has not explained publicly why its Officers used lethal force against Gordon Casey.

50. The actions of the employees and agents of the U.S. Secret Service, alleged herein, are consistent with their well-documented pattern and practice of unconstitutional violations including excessive force and wrongful death.

51. For example, Secret Service Officers and Capitol police fired 26 rounds of shots at Miriam Carey in response to her making a U-turn in front of a check-point. Miriam was driving with her infant daughter in the car.²

52. For example, a Secret Service Officer fired a weapon alleging the possible threat of three individuals potentially breaking a window of a vehicle. The Chief spokesman for the Secret Service did not describe the threat that caused the agent to fire. The Secret Service agent who fired the shot was placed on routine administrative leave.³

53. For example, Secret Service Officers wrongfully and forcefully pulled a peaceful protester into an un-designated area for protesters and wrongfully arrested the man. He was a paramedic who had a first aid kit.⁴

54. For example, two individuals brought suit against the United States Secret Service for alleged constitutional violations after officers arrested them because of the t-shirts they were wearing at the time.⁵

² See David Montgomery, *Miriam Carey Was Shot at 26 Times by Law Enforcement Near the Capitol in 2013 Her Sister Contrasts Her Fate to the Treatment of the Jan. 6 Rioters*, THE WASHINGTON POST (Jan. 19, 2021), available at https://www.washingtonpost.com/lifestyle/magazine/miriam-carey-was-shot-at-26-times-by-law-enforcement-near-the-capitol-in-2013-her-sister-contrasts-her-fate-to-the-treatment-of-the-jan-6-rioters/2021/01/19/0432bdbe-5a51-11eb-a976-bad6431e03e2_story.html; Valerie Carey et al., *A Deadly U-Turn: Did Miriam Carey Need to Die After Wrong Car Move at White House Checkpoint?*, DEMOCRACY NOW! (Mar. 17, 2015), available at https://www.democracynow.org/2015/3/17/a_deadly_u_turn_did_miriam.

³ See Peter Hermann, *Secret Service agent in Georgetown fires gun during vehicle break-in*, THE WASHINGTON POST (Nov. 13, 2023), available at <https://www.washingtonpost.com/dc-md-va/2023/11/13/secret-service-gun-gerogetown/>.

⁴ See *Graber v. Dales*, 511 F. Supp. 3d 594 (E.D. Pa. 2021).

⁵ See Press Release, ACLU, Secret Service and White House Charged with Violating Free Speech Rights in ACLU (Sept. 14, 2004), available at <http://aclu.org/press-releases/secretservice-and-white-house-charged-violating-free-speech-rights-aclu-lawsuit>.

55. The U.S. Secret Service permits their agents to act, under of the color of law, in violation of persons' rights under the United States Constitution, including through the use of excessive force.

56. The U.S. Secret Service has failed to adequately train and supervise their agents and officers in the use of force to meet minimum constitutional standards.

57. The U.S. Secret Service's lack of training, supervision, and enforcement of policies and procedures caused the constitutional violations and tortious injury and death suffered by Gordon Casey, resulting in Plaintiff's damages alleged herein.

CAUSES OF ACTION

COUNT I

Bivens Action

Excessive Force in Violation of Gordon Casey's Rights Under the Fourth Amendment to the United States Constitution

(The Estate of Gordon Casey v. Defendants U.S. Secret Service Officers Doe 1-3)

58. Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, sues the Defendants, Officers Doe 1-3, for damages and hereby adopts and incorporates by reference the foregoing paragraphs as if fully alleged herein.

59. At all relevant times hereto, Officers Doe 1-3, were persons acting under the color of law.

60. At all times relevant hereto, Gordon Casey had rights under the Fourth Amendment to the United States Constitution to be free from unreasonable and excessive force.

61. By unlawfully and intentionally deploying an electronic control device on Gordon Casey without legal justification, Officer Doe 1 violated Gordon Casey's clearly established

constitutional rights under the Fourth Amendment to the United States Constitution to be free from unreasonable and excessive force.

62. By threatening the physical safety and the life of Gordon Casey by shooting at him multiple times while he was unarmed, not reasonably threatening the safety of U.S. Secret Service Officers or anyone at the premises, and suffering from a mental health episode, Officers Doe 2 and 3 violated Gordon Casey's clearly established constitutional rights under the Fourth Amendment to the United States Constitution to be free from excessive force.

63. By using lethal force against Gordon Casey and killing him while he was unarmed, not reasonably threatening the safety of U.S. Secret Service Officers or anyone at the premises, and suffering from a mental health episode, Officers Doe 1-3 violated Gordon Casey's clearly established constitutional rights under the Fourth Amendment to the United States Constitution to be free from excessive force.

64. By using lethal force against Gordon Casey and killing him while he was surrounded by U.S. Secret Service Officers and in a vulnerable position, Officers Doe 1-3 violated Gordon Casey's clearly established constitutional rights under the Fourth Amendment to the United States Constitution to be free from excessive force.

65. As alleged herein, all actions by Officers Doe 1-3 were objectively unreasonable, excessive, and without any lawful justification or excuse.

66. The Defendants' actions give rise to a cause of action and civil remedy under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

67. This case does not present a new context that is meaningfully different from the existing scope of remedies under *Bivens*, as *Bivens* has been applied to Fourth Amendment claims arising from federal agents' use of excessive force and wrongful death.

68. The actions by Officers Doe 1-3 did not involve a national security concern that would weigh against providing or extending a *Bivens* remedy to the Plaintiff, nor would this *Bivens* action interfere with the functioning of the Executive Branch.

69. At all times relevant hereto, the unconstitutional acts of Officers Doe 1-3, as alleged above, were carried out by these Defendants acting under the color of law.

70. Officers Doe 1-3 subjected Gordon Casey to these deprivations of civil rights maliciously and with reckless disregard for or with deliberate indifference to whether his civil rights would be violated by their actions.

71. The acts and omissions of Officers Doe 1-3 were intentional, wanton, willful, malicious, and were done with a blatant and reckless disregard for Gordon Casey's constitutional rights.

72. The actions of Officers Doe 1-3, in intentionally, wantonly, willfully, and maliciously discharging an electronic control device, shooting, and ultimately killing Gordon Casey, subject these Defendants to punitive damages.

73. As a direct and proximate result of the acts and omissions of the Defendants, Officers Doe 1-3, as alleged herein, Gordon Casey suffered profound damages, including, but not limited to, loss of his constitutional rights, fright and terror, emotional and mental distress, pain and suffering, loss of dignity, serious bodily injury, and death.

WHEREFORE, Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, demands judgment against the Defendants, U.S. Secret Service Officers Doe 1-3, jointly and severally, in an amount to be determined at trial but no less than FIVE MILLION DOLLARS (\$5,000,000), plus interest, the costs of this action, attorneys' fees,

punitive damages against Defendants, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT II
Bivens Action

**Unreasonable Search and Seizure in Violation of Gordon Casey's Rights under the Fourth Amendment to the United States Constitution
(The Estate of Gordon Casey v. Defendants U.S. Secret Service Officers Doe 1-3)**

74. Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, sues the Defendants, Officers Doe 1-3, for damages and hereby adopts and incorporates by reference the foregoing paragraphs as if fully alleged herein.

75. At all relevant times hereto, Officers Doe 1-3 were persons acting under the color of law.

76. At all times relevant hereto, Gordon Casey had rights under the Fourth Amendment to the United States Constitution to be free from unreasonable search and seizure, to his ability to exercise his free will and domain over his persons, and to bodily integrity and personal security.

77. By deploying an electronic control device and subsequently shooting Gordon Casey repeatedly with service pistols in an effort to seize him, Officers Doe 1-3 violated Gordon Casey's clearly established constitutional rights under the Fourth Amendment to the United States Constitution to be free from unreasonable search and seizure.

78. The Defendants' means of seizure was not a sufficiently or reasonably productive means of accomplishing any law enforcement goals.

79. These actions by Officers Doe 1-3 were objectively unreasonable, without provocation, and without any lawful justification or excuse.

80. The actions of Officers Doe 1-3 give rise to a cause of action and civil remedy under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

81. This case does not present a new context that is meaningfully different from the existing scope of remedies under *Bivens*, as *Bivens* has been applied to Fourth Amendment claims arising from federal agents' unlawful and unreasonable search and seizures of persons and property.

82. The actions by Officers Doe 1-3 did not involve a national security concern that would weigh against providing or extending a *Bivens* remedy to Plaintiff, nor would this *Bivens* action interfere with the functioning of the Executive Branch.

83. At all times relevant hereto, the unconstitutional acts and omissions, as alleged above, were carried out by Officers Doe 1-3 acting under the color of law.

84. Officers Doe 1-3 subjected Gordon Casey to these deprivations of civil rights maliciously and with reckless disregard for or with deliberate indifference to whether Gordon Casey's civil rights would be violated by their actions.

85. In committing the foregoing acts, Officers Doe 1-3 were not acting in objectively reasonable reliance on existent law.

86. As a direct and proximate result of the acts and omissions of Officers Doe 1-3 alleged herein, Gordon Casey suffered profound damages, including, but not limited to, loss of his constitutional rights, fright and terror, emotional and mental distress, pain and suffering, loss of dignity, serious bodily injury, and death.

WHEREFORE, Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, demands judgment against the Defendants, U.S. Secret Service Officers Doe 1-3, jointly and severally in an amount that exceeds 5 MILLION DOLLARS

(\$5,000,000), plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT III

Bivens Action

**Deprivation of Due Process in Violation of Gordon Casey's Rights under the Fifth Amendment of the United States Constitution
(The Estate of Gordon Casey v. Defendants U.S. Secret Service Officers Doe 1-3)**

87. Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, sues the Defendants, U.S. Secret Service Officers Doe 1-3, for damages and hereby adopts and incorporates by reference the foregoing paragraphs as if fully alleged herein.

88. At all relevant times hereto, Officers Doe 1-3 were persons acting under the color of law.

89. At all times relevant hereto, Gordon Casey had rights under the Fifth Amendment to the United States Constitution to be free from deprivation life, liberty, and property without due process of law.

90. By disregarding U.S. Secret Service regulations and policies, discharging their service weapons numerous times in a lethal manner before reasonable attempts to otherwise investigate or seize Gordon Casey, unlawfully killing Gordon, failing to take any reasonable efforts to deescalate Gordon's mental health episode, handcuffing Gordon behind his back after he had been repeatedly shot but before providing or calling for any medical attention, and failing to obtain immediate and prompt medical attention for Gordon, Officers Doe 1-3 violated Gordon Casey's clearly established substantive due process rights to life, liberty, and property under the Fifth Amendment.

91. The actions of Officers Doe 1-3 showed a deliberate indifference to the safety and wellbeing of Gordon Casey.

92. The actions of Officers Doe 1-3 give rise to a cause of action and civil remedy under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

93. This case does not present a new context that is meaningfully different from the existing scope of remedies under *Bivens*, as *Bivens* has been applied to Fifth Amendment claims.

94. The actions by Officers Doe 1-3 alleged herein did not involve a national security concern that would weigh against providing or extending a *Bivens* remedy to the Plaintiff, nor would this *Bivens* action interfere with the functioning of the Executive Branch.

95. At all times relevant hereto, the unconstitutional acts of Officers Doe 1-3, as alleged above, were carried out by these Defendants acting under the color of law.

96. Officers Doe 1-3 subjected Gordon Casey to these deprivations of civil rights maliciously and with reckless disregard for or with deliberate indifference to whether his civil rights would be violated by their actions.

97. The acts and omissions of Officers Doe 1-3 were intentional, wanton, willful, malicious, and were done with a blatant and reckless disregard for Gordon Casey's constitutional rights.

98. As a direct and proximate result of the acts and omissions of Officers Doe 1-3 alleged herein, Gordon Casey suffered profound damages, including, but not limited to, loss of his constitutional rights, fright and terror, emotional and mental distress, pain and suffering, loss of dignity, serious bodily injury, and death.

WHEREFORE, Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, demands judgment against the Defendants, U.S. Secret Service Officers Doe 1-3, jointly and severally, in an amount to be determined at trial but no less than FIVE MILLION DOLLARS (\$5,000,000), plus interest, the costs of this action, attorneys' fees,

punitive damages against Defendants, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT IV

Assault

(The Estate of Gordon Casey v. Defendants The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3)

99. Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, pursuant to the Federal Tort Claims Act, sues Defendants The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3 for damages and hereby adopts and incorporates by reference the foregoing paragraphs as if fully alleged herein.

100. On April 20, 2022, Officers Doe 1-3 without necessity or legal justification assaulted Gordon Casey by unreasonably, unnecessarily, and repeatedly using physical force against Gordon during a mental health episode.

101. Officers Doe 1-3 were acting within the scope of their employment when they intentionally, maliciously, and wrongfully discharged weapons against Gordon multiple times.

102. As a direct and proximate result of the conduct of Officers Doe 1-3, Gordon Casey suffered substantial damages, including, but not limited to, fright and terror, emotional and mental distress, pain and suffering, serious bodily injury, and ultimately death.

WHEREFORE, Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, demands judgment against Defendants The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3, jointly and severally, in an amount to be determined at trial but no less than FIVE MILLION DOLLARS (\$5,000,000), plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT V

Battery

(The Estate of Gordon Casey v. Defendants The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3)

103. Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, pursuant to the Federal Tort Claims Act, sues Defendants The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3 for damages and hereby adopts and incorporates by reference the foregoing paragraphs as if fully alleged herein.

104. The intentional actions of Defendants, Officers Doe 1-3, resulted in harmful and offensive contact with Gordon Casey without his consent.

105. On April 20, 2022, Officers Doe 1-3 without necessity or legal justification battered Gordon Casey by unreasonably, unnecessarily, and repeatedly discharging weapons against Gordon during a mental health episode and then handcuffing him behind his back after he collapsed on the ground.

106. These contacts were not justified by officer safety or public safety, or for any legitimate law enforcement purpose.

107. Officers Doe 1-3 were acting within the scope of their employment when they intentionally, maliciously, and wrongfully shot Gordon multiple times and handcuffed him.

108. As a direct and proximate result of the conduct of Officers Doe 1-3, Gordon Casey was shot and killed and suffered substantial damages, including, but not limited to, fright and terror, emotional and mental distress, pain and suffering, serious bodily injury, and ultimately death.

WHEREFORE, Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, demands judgment against Defendants, The United States of

America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3, jointly and severally, in an amount to be determined at trial but no less than FIVE MILLION DOLLARS (\$5,000,000), plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT VI

Intentional Infliction of Emotional Distress

(The Estate of Gordon Casey v. Defendants The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3)

109. Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, pursuant to the Federal Tort Claims Act, sues Defendants, The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3 for damages and hereby adopts and incorporates by reference the foregoing paragraphs as if fully alleged herein.

110. On April 20, 2022, Defendants U.S. Secret Service Officer Doe 1 assaulted and battered Gordon Casey in the form of an initial discharge of an electronic control device.

111. Officers Doe 2 and 3 then fired their service pistols and struck Gordon with two bullets. One of the shots was in the stomach area and the second shot was at a downward angle into Gordon's chest.

112. Through their actions, Officers Doe 1-3 assaulted Gordon Casey and violated his constitutional rights through excessive use of force to the point of death.

113. The conduct of Officers Doe 1-3 was intentional, reckless, and carried out with a deliberate disregard for the safety or wellbeing of Gordon Casey.

114. The aforesaid conduct by Officers Doe 1-3 was extreme and outrageous and beyond the bounds of decency in society.

115. The aforesaid conduct by Officers Doe 1-3 was without legal justification and was undertaken deliberately and with actual malice.

116. As alleged herein, the actions of Officers Doe 1-3 demonstrated ill will, improper motivation or evil purpose.

117. Officers Doe 1-3, at all relevant times, were acting as agents of the United States Secret Service, and their actions were taken in the course and scope of their employment.

118. As a direct and proximate result of Defendants' acts and omissions alleged herein, Gordon Casey suffered severe emotional distress, mental anguish, and emotional pain and suffering.

WHEREFORE, Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, demands judgment against Defendants. The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3, jointly and severally, in an amount to be determined at trial but not less than FIVE MILLION DOLLARS (\$5,000,000), plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT VII
Negligence

(The Estate of Gordon Casey v. Defendants The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3)

119. Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, pursuant to the Federal Tort Claims Act, sues Defendants The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3 for damages and hereby adopts and incorporates by reference the foregoing paragraphs as if fully alleged herein.

120. At all times relevant hereto, the Defendants, Officers Doe 1-3, had a duty to exercise reasonable care in the execution of their law enforcement duties.

121. Officers Doe 1-3, acting in the course and scope of their employment, breached their duty of reasonable care through the following acts and omissions:

- a. Failing to use any reasonable de-escalation tactics or techniques on Gordon Casey;
- b. Failing to use tactics to address Gordon Casey's mental health crisis, which should have been apparent to a reasonable and well-trained law enforcement officer;
- c. Failing to use less intrusive means of force before deploying an electronic control device on Gordon Casey;
- d. Deploying an electronic control device on Gordon Casey when he did not reasonably threaten the safety of the U.S. Secret Service Officers or anyone at the premises;
- e. Deploying an electronic control device on Gordon Casey when he was vulnerable and/or suffering from a mental health episode of which Officers Doe 1-3 knew or should have known;
- f. Failing to use reasonable, less intrusive means of force before firing their service pistols at Gordon Casey;
- g. Firing their service pistols at Gordon Casey when he was vulnerable and/or suffering from a mental health episode of which Officers Doe 1-3 knew or should have known;

- h. Using deadly force against Gordon Casey when he did not pose an imminent threat of death or serious bodily injury to any U.S. Secret Service Officers or any other persons;
 - i. Firing their service pistols at Gordon Casey when he did not reasonably threaten the safety of the U.S. Secret Service Officers or anyone at the premises;
 - j. Failing to warn Gordon Casey of the imminent use of lethal force;
 - k. Shooting their service pistols at Gordon Casey at least seven times;
 - l. Shooting Gordon Casey twice, with the intent to kill;
 - m. Handcuffing Gordon Casey after he had been shot twice and lay prone on the ground, rather than immediately administering or otherwise obtaining medical aid;
 - n. Failing to obtain medical assistance for Gordon Casey without unnecessary delay;
 - o. Failing to use law enforcement tactics to effectively bring the situation under control and minimize the risk of injury to Gordon Casey and others;
 - p. Using a level of force that was not commensurate with the severity of the suspected crime or reason for contact with Gordon Casey;
 - q. Using a level of force that was unreasonable under the totality of circumstances; and
 - r. Otherwise failing to comply with applicable standards, policies, and procedures governing the use of force.
122. By the aforesaid conduct, Defendants Officers Doe 1-3 acted negligently.
123. As a direct and proximate result of Defendants' breach of their duties as alleged herein, Gordon Casey was shot and killed and suffered substantial damages, including, but not

limited to severe personal injuries, mental and psychological distress, fear, trauma, anguish, and death.

WHEREFORE, Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, demands judgment against Defendants The United States of America, United States Secret Service, and U.S. Secret Service Officers Doe 1-3, jointly and severally, in an amount to be determined at trial but not less than FIVE MILLION DOLLARS (\$5,000,000), plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT VIII

Negligent Training and Supervision

(The Estate of Gordon Casey v. Defendants The United States of America, United States Secret Service, Director James M. Murray and Director Kimberly A. Cheatle)

124. Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey pursuant to the Federal Tort Claims Act, sues Defendants The United States of America, United States Secret Service, Director James M. Murray, and Director Kimberly A. Cheatle for damages and hereby adopt and incorporate by reference the foregoing paragraphs as if fully alleged herein.

125. As former and current directors of the U.S. Secret Service, Director Murray and Director Cheatle have or had a duty to establish, implement, and/or approve standards, policies, practices, and training governing their agents' interactions with the public and use of force.

126. At all times relevant hereto, the U.S. Secret Service and Director Murray and Director Cheatle were responsible for training and supervising U.S. Secret Service Officers including Defendants Officers Doe 1-3.

127. The U.S. Secret Service, Defendant Murray, and Defendant Cheatle had a legal duty to properly train and supervise employees of the U.S. Secret Service, including Defendants Officers Doe 1-3.

128. This duty included and encompassed the duty to train and supervise employees of the U.S. Secret Service, including Officers Doe 1-3, as to standards, policies, procedures, and guidelines related to the use of force.

129. Under the leadership of Directors Murray and Cheatle, the U.S. Secret Service has engaged in a pattern and practice of using excessive force against citizens and violating their constitutional rights.

130. The U.S. Secret Service and Directors Murray and Cheatle knew, or should have known, of such pattern and practice by the U.S. Secret Service, but failed to investigate it or take other sufficient action in response to it, including training and supervising employees in accordance with the use of force policies and procedures of the Department of Homeland Security and the U.S. Secret Service.

131. On information and belief, under the leadership of Directors Murray and Cheatle, U.S. Secret Service officers are and were trained, authorized, and/or permitted to unreasonably and wrongfully use deadly force or other means of force excessive under the circumstances.

132. On information and belief, the actions and failings of Officers Doe 1-3, as detailed in the foregoing paragraphs, is similar to and consistent with prior conduct by them and/or other U.S. Secret Service officers committed within the scope of employment. On information and belief, such wrongful conduct was permitted, authorized, and/or condoned under the leadership of Directors Murray and Cheatle.

133. Director Murray and Director Cheatle, and other supervising officers of the U.S. Secret Service, acting in the course and scope of their employment, breached their duties to train and supervise their employees, including Officers Doe 1-3, to comply with applicable standards, policies, and procedures governing the use of force.

134. Director Murray and Director Cheatle, and other supervising officers of the U.S. Secret Service, acting in the course and scope of their employment, failed to train, or negligently trained, their employees, including Officers Doe 1-3, in lawful manners of investigation, arrest, use of force, and search and seizure.

135. Director Murray and Director Cheatle, and other supervising officers of the U.S. Secret Service, acting in the course and scope of their employment, failed to train, or negligently trained, their employees, including Officers Doe 1-3, in tactics and measures to address and otherwise deescalate subjects suffering from mental health crises.

136. Through this failure to use reasonable care in supervising and training employees, including Officers Doe 1-3, the harm suffered by Gordon Casey was foreseeable.

137. Officers Doe 1-3 violated a number of U.S. Secret Service Use of Force Policies as established by the U.S. Secret Service Office of Training Manual. Directors Murray and Cheatle, and other supervising officers of the U.S. Secret Service, failed to properly train and supervise U.S. Secret Service Officers Doe 1-3, leading to violations of the U.S. Secret Service Use of Force Policies.

138. Officers Doe 1-3 violated U.S. Secret Service Policies on April 20, 2022 through their actions and failings, including, but not limited to:

- a. Using a level of force that was objectively unreasonable based on the totality of the circumstances;

- b. Using a level of force that was unreasonable in light of the severity of the suspected crime or reason for contact with Gordon;
- c. Using a level of force that was unreasonable in light of the immediacy of the threat to the safety of U.S. Secret Service Officers and others;
- d. Using a level of force that was unreasonable in light of the number of U.S. Secret Service gun-carrying personnel at the scene;
- e. Using a level of force that was unreasonable in light of the actually or constructively known mental health crisis of Gordon Casey;
- f. Failing to issue a verbal warning as to the immediacy of deadly force;
- g. Utilizing deadly force despite there being no reasonable belief that Gordon Casey posed an imminent threat of death or serious bodily injury;
- h. Failing to intervene and prevent the use of excessive force by another officer; and
- i. Failing to obtain appropriate medical assistance as soon as practicable.

139. As a direct and proximate result of the negligence of Directors Murray and Cheatle, and other supervising officers of the U.S. Secret Service, in training and supervising Officers Doe 1-3, Gordon Casey was shot and killed and suffered substantial damages, including, but not limited to severe personal injuries, mental and psychological distress, fear, trauma, anguish, and death..

WHEREFORE, Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, demands judgment against Defendants The United States of America, United States Secret Service, United States Secret Service Director Kimberly A. Cheatle, and United States Secret Service Director James M. Murray, jointly and severally, in an amount to be determined at trial but not less than FIVE MILLION DOLLARS (\$5,000,000), plus

interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT IX
Wrongful Death
D.C. Code § 16-2701, *et seq.*
(Ilmiya Yarullina v. All Defendants)

140. Plaintiff Ilmiya Yarullina, pursuant to D.C. Code § 16-2701, *et seq.* and the Federal Tort Claims Act, sues Defendants The United States of America, United States Secret Service, U.S. Secret Service Officers Doe 1-3, Director James M. Murray, and Director Kimberly A. Cheatle for damages and hereby adopt and incorporate by reference the foregoing paragraphs as if fully alleged herein.

141. Ilmiya Yarullina, as mother of the decedent Gordon Casey, is Gordon's next of kin and his statutory beneficiary.

142. Plaintiff brings this action within the appropriate time limit set forth in the Code of the District of Columbia § 16-2702, for the death of Gordon Casey.

143. The wrongful acts and omissions, negligence, tortious conduct, and neglect of the Defendants, as set forth in this Complaint, and each of them concurrently, directly, and proximately caused Gordon Casey to suffer injury and death.

144. As a direct and proximate result of the death of Gordon Casey, Plaintiff Ilmiya Yarullina suffered substantial damages, including, but not limited to, mental anguish, emotional pain and suffering, loss of society and companionship, loss of filial care, loss of comfort, attention and affection of her son, as well as other allowable damages.

WHEREFORE, Plaintiff Ilmiya Yarullina demands judgment against Defendants The United States of America, United States Secret Service, United States Secret Service Officers Doe 1-3, Director James M. Murray, and Director Kimberly A. Cheatle, jointly and severally, in

an amount to be determined at trial but not less than FIVE MILLION DOLLARS (\$5,000,000), plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

COUNT X
Survival Action
D.C. Code § 12-101
(The Estate of Gordon Casey v. All Defendants)

145. Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, pursuant to D.C. Code § 12-101, *et seq.* and the Federal Tort Claims Act, sues Defendants The United States of America, United States Secret Service, United States Secret Service Officers Doe 1-3, Director James M. Murray, and Director Kimberly A. Cheatle for damages and hereby adopts and incorporates by reference the foregoing paragraphs as if fully alleged herein.

146. Plaintiff Ilmiya Yarullina is the Personal Representative of the Estate of Gordon Casey and accordingly is entitled and charged by law to represent the Estate of Gordon Casey and to sue on behalf of the Estate for any sum which may be due to it for either liquidated or unliquidated damages.

147. As Personal Representative, Ilmiya Yarullina is authorized by law to bring any claims that Gordon Casey could have brought during his lifetime, had he survived. D.C. Code § 12-101.

148. As a direct and proximate result of the Defendants' negligent and intentional acts and omissions set forth in this Complaint, the decedent, Gordon Casey, experienced severe, permanent, and overwhelming damages, including conscious pain and suffering, great mental anguish, loss of enjoyment of life, terror, fear, and serious and permanent injuries from which he died.

149. As a direct and proximate result of the Defendants' negligent and intentional acts and omissions set forth in this Complaint, the decedent, Gordon Casey, suffered pecuniary and economic loss in the form of lost earning capacity and future income for the remainder of his work life.

150. The Estate of Gordon Casey has been caused to expend money for funeral, burial, and legal expenses as a direct and proximate result of Defendants' negligent and intentional acts and omissions as set forth in this Complaint.

WHEREFORE, Plaintiff Ilmiya Yarullina, in her capacity as Personal Representative of the Estate of Gordon Casey, demands judgment against Defendants The United States of America, United States Secret Service, United States Secret Service Officers Doe 1-3, Director James M. Murray, and Director Kimberly A. Cheatle, jointly and severally in an amount to be determined at trial but no less than FIVE MILLION DOLLARS (\$5,000,000), plus interest, the costs of this action, attorneys' fees, and such other and further relief as this Court deems just and proper under the circumstances.

JURY DEMAND

Plaintiff demands a jury trial as to all counts so triable.

Respectfully Submitted,

JOSEPH, GREENWALD & LAAKE, P.A.

/s/ Drew LaFramboise
Drew LaFramboise, Esq. (No. 1018140)
6404 Ivy Lane, Suite 400
Greenbelt, Maryland 20770
(301) 220-2200
dlaframboise@jgllaw.com
Counsel for Plaintiff