



ZACHAR

LAW FIRM P.C.

Personal Injury and Wrongful Death Law

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AZ ATTORNEY GENERAL

2017 JUL 17 PM 1:03

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July 17, 2017

Via Personal Service

State of Arizona

c/o Mark Brnovich, Esq.

Attorney General of the State of Arizona

1275 West Washington Street

Phoenix, AZ 85007-2926

Via Personal Service

Town of Gilbert

c/o Gilbert Town Clerk

50 E. Civic Center Drive

Gilbert, AZ 85296

NOTICE OF CLAIM PURSUANT TO § A.R.S. 12-821.01

Re: Our Clients: Lawrence and Kim Moore

Date of Accident: January 24, 2017

Dear Sir/Madam:

On January 24, 2017, Bradley Moore, a 29 year old American war veteran, was known by family and friends to have some difficulties adjusting to a normal life back in the United States. Although suffering from PTSD and the related complex of symptoms, there was no indication that Bradley was violent in any way. Troubled, for sure, but always controllable.

In the early afternoon hours in Gilbert, Arizona, Bradley happened upon a construction site and decided to steal a construction vehicle. Yes, he stole the truck, which was immediately noticed by the construction crew and Gilbert Police Officer Jonathan Rogers, who working at the site in an off-duty capacity, in full uniform and with a marked patrol car. Both a construction worker and Officer Rogers attempted to stop the vehicle as Bradley drove away. Both Rogers and the construction worker observed only one person in the construction vehicle – Bradley Moore. This fact was communicated to investigators within minutes of the theft.

Seconds later, Arizona Department of Public Safety Lt. Colonel Heston Silbert, who was off duty at the time, slowed his personal vehicle and yelled to Officer Rogers that he was “off duty DPS”, and sped off to chase Bradley Moore in the stolen truck. Thereafter, Silbert doggedly pursued and chased Bradley Moore through the entire valley freeway system, reaching speeds in excess of 90 mph and eventually making it to northbound Interstate 17.

Silbert did not have a police radio and was not in direct communication with other officers involved in the chase. Although Silbert was in telephone communication with a Gilbert dispatcher, he blatantly ignored the directives of the Phoenix Police Department’s Firebird helicopter and other officers to “back off” and terminate the pursuit. He was informed that only Brad occupied the stolen truck; a fact which he readily observed himself. Silbert chose to ignore all directives and the pursuit continued.

Silbert, other DPS officers, as well as officers from the Gilbert Police Department continued to chase Bradley Moore northbound on Interstate 17 into Yavapai County. Along the way, stop sticks were deployed which punctured two of the tires of the vehicle that Brad was driving. Officers continued to chase him at a high rate of speed, knowing that Brad was now driving on two rims; something that made it highly unstable and difficult for Brad to control. Silbert directed that the pursuit continue despite these dangerous conditions and despite the fact that numerous DPS pursuit policies were being ignored and/or violated along the way. Gilbert officers, now many miles outside of their city’s jurisdictional limits, followed in stride and made no efforts whatsoever to suggest, request, intervene and/or terminate the imminent and increasing danger that the improper and unnecessary pursuit posed to Brad, as well as other motorists on Arizona’s highways.

As the chase continued into northern Arizona, a pit maneuver was ordered despite the fact that all officers knew that such a tactic was extremely dangerous under the circumstances, and even an attempted maneuver posed a high risk of death or serious physical injury to Brad. Ultimately, the chase of Bradley Moore was brought to an abrupt end when Bradley Moore lost control of the vehicle and plunged 400 feet to his death near Copper Canyon, just south of the Verde Valley.

The State of Arizona, through the Arizona Department Public Safety, and the Town of Gilbert have a duty to all persons traveling the State highways and municipal streets to act reasonably and obey their respective policies and procedures. There is no question that numerous guidelines and written policies were violated in the pursuit of Bradley Moore. Indeed, the very purpose of these guidelines and policies is for the safety and welfare of the public, a potential suspect and the officers themselves. To chase a suspect for a non-violent offense, at excessive speed through a very busy metropolitan Phoenix freeway system and then continue the high speed pursuit into mountainous country simply violates all well-established pursuit protocols of both the DPS and Town of Gilbert Police Department.

The collective unreasonable actions of both DPS and Gilbert officers, all of which were unnecessarily and unjustifiably precipitated by Lt. Col. Silbert, were contrary to said duties and directly and proximately resulted in the death of Bradley Moore.

DAMAGES FOR THE WRONGFUL DEATH

Lawrence and Kim Moore are the surviving parents of Bradley Moore. They are entitled to compensation in amounts determined by the applicable jury instruction set forth below:

“...you must decide the full amount of money that will reasonably and fairly compensate each of the survivors for each of the following elements of damages proved by the evidence to have resulted from the wrongful death of the decedent.

1. The loss of love, affection, companionship, care, protection, and guidance since the death and in the future.

2. The pain, grief, sorrow, anguish, stress, shock, and mental suffering already experienced, and reasonably probably to be experienced in the future.

3. The income and services that have already been lost as a result of the death, and that are reasonably probable to be lost in the future. *RAJI (CIVIL) 5th, Personal Injury Damage Instruction #3.*

AMOUNTS FOR WHICH THESE CLAIMS CAN BE SETTLED

There is no way to adequately convey the damages our clients have and will continue to endure throughout their lifetimes. There is no way to adequately measure the value of the losses of their son. The continuing nightmare of the crash, knowing that this incident was completely avoidable, had Lt. Col. Silbert and other law enforcement personnel followed their own policies and procedures, has caused and will continue to result in severe pain, grief, sorrow, anguish, shock and mental and emotional suffering. There is little doubt that these damages will continue for the remainder of their lifetimes. Based on the foregoing and the attached supporting exhibits, the sum certain amount for which the State of Arizona and the Town of Gilbert may settle the claims are as follows:

State of Arizona

Lawrence Moore: \$2,000,000.00


Kim Moore: \$2,000,000.00

Town of Gilbert

Lawrence Moore: \$ 150,000.00

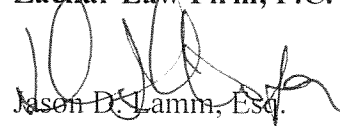
Kim Moore: \$ 150,000.00

Very Truly Yours



Christopher J. Zachar, Esq.

Zachar Law Firm, P.C.



Jason D. Lamm, Esq.

Law Office of Jason Lamm

CJZ/mlt



OFFICE OF THE ARIZONA ATTORNEY GENERAL

2017 JUL 17 11:03 AM

Date: July 17, 2017 Claimant #: Lawrence and Kim Moore
Time: 1:03 Law Firm: Zachar Law Firm PC

For the referenced claimant(s), the Arizona Attorney General's Office is only accepting **NOTICE OF CLAIM** for the following individual(s) and/or entity(s):

State of Arizona

- void -

- void -

- void -

[Signature]

[Signature]

AG Employee Signature

Process Server Signature

Paul Seaman # 8747

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