
**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ESTATE OF TODD W. SHULTZ;
WAYNE L. SHULTZ, JR., *individually,*
and as the Administrator of the
Estate of Todd W. Shultz; *and*
GAIL M. SHULTZ;**

Plaintiffs,

v.

**GREGORY T. HADFIELD;
JAMES A. MILLER;
THOMAS H. HYERS;
THOMAS L. KEARNEY, III;
SPRINGETTSBURY TOWNSHIP, PENNSYLVANIA; *and*
YORK COUNTY, PENNSYLVANIA,
Defendants.**

Civil Action No.:
(Filed: December 18, 2014)

District Judge:

**CIVIL ACTION – LAW
JURY TRIAL DEMANDED**

COMPLAINT

AND NOW come the Plaintiffs, Estate of Todd W. Shultz; Wayne L. Shultz, Jr., individually, and as the Administrator of the Estate of Todd W. Shultz; and Gail M. Shultz; by and through their undersigned counsel, Devon M. Jacob, Esquire, of the law firm of Jacob Litigation, A Civil Rights Law Firm, and aver as follows:

The Rules

Civil Rule: Each bullet fired by a police officer, into a person, is a separate use of deadly force that must be independently justified under federal law. See Lamont, et al. v. State of New Jersey, et al., 637 F.3d 177, 184 (3rd Cir. 2011) (discussing 11 of 18 bullets fired into the back of the decedent, “[e]ven where an officer is initially justified in using force, he may not continue to use such force after it has become evident that the threat justifying the force has vanished.”); See also Ellis v. Wynalda, 999 F.2d 243, 247 (7th Cir.1993) (“When an officer faces a situation in which he could justifiably shoot, he does not retain the right to shoot at any time thereafter with impunity.”).

Criminal Rule: Voluntary Manslaughter: “A person who kills an individual without lawful justification commits voluntary manslaughter if at the time of the killing he is acting under a sudden and intense passion resulting from serious provocation by . . . the individual killed, or . . . if at the time of the killing he believes the circumstances to be such that, if they existed, would justify the killing . . . but his belief is unreasonable.” 18 Pa.C.S. § 2503(a)(1) & (b).

Criminal Rule: Involuntary Manslaughter: “A person is guilty of involuntary manslaughter when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly

negligent manner, he causes the death of another person.” 18 Pa.C.S. § 2504(a).

Jurisdiction and Venue

1. This action is brought pursuant to 42 U.S.C. § 1983.
2. Jurisdiction is founded upon 28 U.S.C. § § 1331, 1343 & 1367.
3. Venue is proper in this Court, as all Defendants are located within the Middle District of Pennsylvania, and the cause of action arose in the Middle District of Pennsylvania.

Parties

4. Plaintiff, Estate of Todd W. Shultz, is the Estate of the decedent, Todd W. Shultz.
5. Plaintiff, Wayne L. Shultz, Jr., is the brother of the decedent, Todd W. Shultz, and is the Administrator of the Estate of Todd W. Shultz. Mr. W. Shultz is an adult, who, currently resides in York, Pennsylvania.
6. Plaintiff, Gail M. Shultz, is the mother of the decedent, Todd W. Shultz. Mrs. Shultz is an adult, who, currently resides in York, Pennsylvania.
7. Defendant, Gregory T. Hadfield, is an adult individual, who, during all relevant times, was employed by the Springettsbury Township Police Department, as a police officer, with the rank of corporal. All of Defendant Hadfield’s actions

or inactions were taken under color of state law. He is sued in his individual capacity.

8. Defendant, James A. Miller, is an adult individual, who, during all relevant times, was employed by the Springettsbury Township Police Department, as a police officer. All of Defendant Miller's actions or inactions were taken under color of state law. He is sued in his individual capacity.

9. Defendant, Thomas H. Hyers, is an adult individual, who, during all relevant times, was employed by the Springettsbury Township Police Department, as a police officer, with the rank of Chief of Police. All of Defendant Hyers' actions or inactions were taken under color of state law. He is sued in his individual capacity.

10. Defendant, Thomas L. Kearney, III, is an adult individual, who during all relevant times, lived in Springettsbury Township, and was an elected official who was employed by York County, Pennsylvania, as the District Attorney. All of Defendant Kearney's actions or inactions were taken under color of state law. He is sued in his individual capacity.

11. Defendant, Springettsbury Township, Pennsylvania (hereinafter "Township"), is located at 1501 Mount Zion Road in York, Pa. 17402. The Township owns and operates the Springettsbury Township Police Department

(hereinafter “Police Department”). During all relevant times, the Township employed the Defendant police officers, who set and/or acted pursuant to the policies, practices, and customs adopted or ratified by the Township and County.

12. Defendant, York County, Pennsylvania (hereinafter “County”), the first capital of the United States, is a County in the Commonwealth of Pennsylvania, with a population of approximately 435,000. The County was created on August 19, 1749, from part of Lancaster County. During all relevant times, York County employed Defendant Kearney, a policymaker for the County, who set Township and County policy, and who acted pursuant to the policies, practices, and customs adopted or ratified by the County.

Factual Background

13. On December 29, 2012, police officers from the Springettsbury Township Police Department responded to Kmart, 1094 Haines Road, Springettsbury Township, York County, Pennsylvania, 17402, to investigate an alleged retail theft incident.

14. Upon arrival, the officers encountered Todd W. Shultz in the store, and according to officers, attempted to take him into custody.

15. The officers claim that Shultz ignored their commands and refused to permit the officers to place him in handcuffs.

16. Officers further claim that when Shultz attempted to leave the store, they deployed TASERs that either failed or were not effective.

17. An officers' mobile video recorder (hereinafter "MVR") captured the remainder of the incident. See Video, **Exhibit A**.

18. Outside the store, officers continued to attempt to take Shultz into custody.

19. A Taser deployment brought Shultz to the ground.

20. While on the ground, Shultz continued to ignore the officers' commands and refused to submit to handcuffing.

21. Shultz produced a butter knife (see Photograph, **Exhibit B**) and began to make slow swiping motions at the officers when they approached.

22. Due to obesity (5'9"/328 lbs) and poor physical condition, Shultz moved slowly and struggled to get up.

23. Officers repeatedly told Shultz to drop the knife but he failed to do so.

24. Defendant Miller struck Shultz several times with an ASP baton, which failed to gain Shultz's compliance.

25. Shultz rose to his feet, produced a common kitchen table knife (see Photograph, **Exhibit C**) and a pair of scissors (see Photograph, **Exhibit D**), and walked toward Defendant, Gregory T. Hadfield, and Defendant, James A. Miller.

26. Defendants Hadfield and Miller placed Shultz at gunpoint and repeatedly commanded Shultz to “drop it.”

27. When Shultz apparently failed to comply, Defendants Hadfield and Miller fired four (4) bullets into the front of Shultz’s body, which caused serious but non-fatal injuries.

28. There are two (2) additional bullets that struck Shultz’s abdomen/groin, causing a skin injury; and one of his fingers, causing a skin and bone injury.

29. The timing and direction of travel of the two bullets that struck Shultz’s abdomen/groin, and finger, causing non-fatal injuries, are not known, and could have occurred during the first volley of bullets.

30. Upon being impacted by the first 4-6 bullets, Shultz stopped walking, and turned to the right, away from Defendants Hadfield and Miller, and stood there.

31. Defendants Hadfield and Miller continued to command Shultz to “drop it” but according to Defendants Hadfield and Miller, Shultz did not do so.

32. Instead, Shultz continued to just stand there, likely in shock from the injuries that he had just received from the bullets that had just been fired into the front of his body.

33. Despite the fact that Shultz had turned away from the Defendants and was just standing there, when Shultz apparently did not comply with the direction to

“drop it,” Defendants Hadfield and Miller fired eleven (11) more bullets into Shultz’s sides and back, causing fatal injuries.

34. It is clear from where the table knife landed at the crime scene, and from Shultz’s actions while being shot, that at some point during the second volley of bullets, Shultz dropped the table knife. See Table Knife at Final Rest, **Exhibit E**.

35. Regardless, Defendants Hadfield and Miller continued to fire bullets into Shultz until he fell to the ground.

36. Collectively, Defendants Hadfield and Miller fired twenty (20) .40 caliber rounds of ammunition at Shultz, striking him with seventeen (17) bullets.

37. Defendant Hadfield fired six (6) bullets and Defendant Miller fired fourteen (14) bullets.

38. The seventeen (17) bullets that Defendants Hadfield and Miller fired into Shultz’s body were as follows:

Four (4) Bullets Fired into the Front of Shultz’s Body

- Gunshot wound to the right side of the abdomen, causing injury to the soft tissues of the abdomen and the right flank/back. (Front to back/**Non-fatal**);
- Gunshot wound to the left side of the chest, causing injury to the skin, subcutis, and muscles of the chest and abdomen. (Slightly front to back/Left to right/Downward/**Non-fatal**);
- Gunshot wound to the left thigh, causing a perforating injury to the skin and subcutis only. (Slightly front to back/Left to right/Downward/**Non-fatal**); and

- Gunshot wound to the left thigh, causing a perforating injury to the skin and subcutis only. (Slightly front to back/Left to right/Downward/Non-fatal).

Two (2) Bullets Fired into Shultz's Body from an Unknown Direction

- Gunshot wound to the lower abdomen/groin, causing a superficial perforating injury to the skin and subcutis only. (Unknown direction/Non-fatal); and
- Gunshot wound to the fourth digit of the right hand. (Unknown direction/Non-fatal).

Eleven (11) Bullets Fired into the Side or Back of Shultz's Body

- Gunshot wound to the abdomen, causing injury to the skin, subcutis, and muscles of the left side of the abdomen, multiple segments of small intestines, the aorta (perforated); the inferior vena cava (perforated), the transverse colon (perforated), the omentum/mesentery, and the gallbladder (perforated). (**Left to right/Upward/FATAL**);
- Gunshot wound to the left side of the back, causing injury to the skin, subcutis, and muscles of the left side of the back, spinous processes and laminae of T7 through T9, the spinal cord (perforated), and the T9 vertebral body. (**Back to Front/Left to Right/Downward/Potentially fatal**);
- Gunshot wound to the left side of the back, causing injury to the skin, subcutis, and muscles of the back, and the lumbar spine (left lateral L1-L2). (**Back to Front/Left to Right/Downward/Potentially fatal**);
- Gunshot wound to the torso, causing injury to the skin, subcutis, muscles of the back, left retroperitoneal soft tissues, the left kidney (cortical laceration), small intestines (multiple perforations), the colon, and the soft tissues and skin of the abdomen. (**Back to Front/Right to left/Downward/Potentially fatal**);
- Gunshot wound to the left side of the chest, causing injury to the skin, subcutis, and muscles of the chest. (Back to front/Left to right/Downward/Non-fatal);

- Gunshot wound to the left side of chest, causing injury to the skin, subcutis, and muscles of the chest. (Back to front/Left to Right/Slightly downward/**Non-fatal**);
- Gunshot wound to the left side of the chest, causing a superficial perforating wound with injury to the skin and subcutis only. (Slightly back to front/Left to right/Slightly downward/**Non-fatal injury**);
- Gunshot wound to the left side of the abdomen, causing injury to the skin and subcutis only. (Left to right/**Non-fatal**);
- Gunshot wound to the abdomen, causing injury to the skin and subcutis only. (Left to right/Slightly upward/**Non-fatal**);
- Gunshot wound to the abdomen, causing a perforating injury to the skin and subcutis only. (Left to right/Downward/**Non-fatal**); and
- Grazing gunshot wound(s) to the left wrist and hand. (Right to left/Downward/**Non-fatal**).

39. At 7:40 P.M., on December 29, 2014, Shultz was pronounced dead.

40. On December 31, 2014, Michael W. Johnson, M.D., of Forensic Pathology Associates, who is a forensic pathologist, performed an autopsy on Shultz.

41. Dr. Johnson determined that Shultz “died from multiple gunshot wounds[,]” and that “[t]he manner of death is homicide.”

COUNT I

**Plaintiff Estate of Todd W. Shultz v. Defendants Hadfield and Miller
Fourth Amendment (Excessive Force) Pursuant to 42 U.S.C. § 1983**

42. Paragraphs 1-41 are stated herein by reference.

43. Claims that police officers used excessive force in an arrest are analyzed under the Fourth Amendment objective reasonableness standard. See Graham v. Connor, 490 U.S. 386, 388 (1989).

44. To state a claim for excessive force under the Fourth Amendment, a Plaintiff must show that a seizure occurred and that it was unreasonable. See Curley v. Klem, 499 F.3d 199, 203 (3d Cir. 2007).

45. The test of Fourth Amendment reasonableness of force used during a seizure is whether, under the totality of the circumstances, an officer's actions are objectively reasonable in light of facts and circumstances confronting him, without regard to his underlying intent or motivations. See Kopec v. Tate, 361 F.3d 772, 776 (3d Cir. 2004); Graham, 490 U.S. at 397.

46. Each bullet fired by a police officer into a person is a separate use of deadly force that must be independently justified under federal law. See Lamont, et al. v. State of New Jersey, et al., 637 F.3d 177, 184 (3d Cir. 2011) (discussing 11 of 18 bullets fired into the back of the decedent, “[e]ven where an officer is initially

justified in using force, he may not continue to use such force after it has become evident that the threat justifying the force has vanished.); See also Ellis v. Wynalda, 999 F.2d 243, 247 (7th Cir.1993) (“When an officer faces a situation in which he could justifiably shoot, he does not retain the right to shoot at any time thereafter with impunity.”).

47. After Shultz stopped advancing on Defendants Hadfield and Miller, and turned away from them, the eleven (11) bullets that were fired into his side and back that caused his death were excessive uses of deadly force, and therefore, unlawful.

COUNT II

Plaintiff Estate of Todd W. Shultz v. Defendants Hadfield and Miller Fourteenth Amendment (Denial of Medical Care) Pursuant to 42 U.S.C. § 1983

48. Paragraphs 1-47 are stated herein by reference.

49. After firing 4-6 bullets into the front of Shultz’s body, Defendants Hadfield and Miller knew that Shultz was suffering from a serious medical condition requiring immediate medical care.

50. A medical need is serious when it is “so obvious that a lay person would easily recognize the necessity for a doctor’s attention.” Monmouth County Correctional Institution Inmates v. Lanzaro, 834 F.2d 326 (3d Cir. 1987), cert. denied, 486 U.S. 1006 (1988).

51. After Defendant Hadfield and Miller caused Shultz to suffer serious injuries and incur the related pain and suffering, Defendants Hadfield and Miller should have stopped firing bullets into Shultz's body, and instead waited for an opportunity to provide Shultz with appropriate and necessary emergency medical care.

52. Defendants Hadfield and Miller, however, fired at least eleven (11) more bullets into Shultz's body, causing him to suffer fatal injuries, and causing his untimely death.

53. After the shooting ended, the Defendants failed to render any medical aid to Shultz.

54. After at least two minutes, it appears from the video that Defendant Hadfield checked Shultz for a pulse.

55. Despite the fact that numerous Township police officers arrived on scene, no Township officer provided Shultz with any emergency medical care.

56. Instead, for over five minutes, Township officers left Shultz to bleed to death on the pavement until the ambulance arrived.

COUNT III

**Plaintiff Estate of Todd W. Shultz v. Defendants Hyers and Kearney
Fourth & Fourteenth Amendment – Supervisor Liability
Pursuant to 42 U.S.C. § 1983**

57. Paragraphs 1-56 are stated herein by reference.

58. During the relevant period of time, Defendant Hyers was the chief of police for the Springettsbury Township Police Department, and Defendant Kearney was the district attorney for York County, Pennsylvania.

59. Defendants Hyers and Kearney, through their action and inaction, collaboratively set the use of force policy in the Township and County.

60. Prior to December of 2012, both Defendants Hyers and Kearney knew that several police officers of the police department, including Defendant Hadfield, had used excessive and unlawful force against persons while acting in their capacity as police officers.

61. The Defendant Township paid \$500,000 to settle related civil rights lawsuits. See Landis v. Moyer, et al., No.: 1:13-CV-00673 (M.D.Pa.); Williams v. Moyer, et al., No.: 1:13-CV-00675 (M.D.Pa.).

62. Despite having such notice, Defendants Hyers and Kearney took no action to protect the public from Defendants Hadfield or Miller, or from the unlawful force policies and practices that they implemented and ratified.

63. Specifically, Defendant Hyers and Kearney knowingly permitted officers who had been improperly trained, and/or who had already exhibited poor judgment and unlawful conduct, to continue to have contact with the public, thereby permitting them to offend again.

64. It took the filing of the Williams and Landis federal civil rights lawsuits before Defendant Hyers conducted internal affairs investigations of the related incidents, and Defendant Kearney conducted criminal investigations of the related incidents.

65. The internal affairs and criminal investigations that occurred were a sham and results oriented.

66. While officers in other states are routinely fired and criminally prosecuted for less offensive conduct, none of the involved officers, including Defendant Hadfield, were ever disciplined or criminally prosecuted by Defendants Hyers or Kearney for their unlawful uses of force.

67. As a result of Defendants Hyers' and Kearney's failure to properly supervise police officers in the Township and County, by failing to timely (a) conduct credible internal affairs investigations and criminal investigations, (b) stop offending officers from having official contact with the public, and (c) denounce the unlawful use of force being used in the Township, the Defendant officers were

permitted to engage in, and did engage in, the unlawful conduct discussed herein.

68. The policies, practices, and/or customs established, enforced, and ratified by Defendants Hyers and Kearney directly resulted in the constitutional injuries discussed herein.

69. The PSP investigation report indicates that “MILLER stated that the suspect approached to the point where he, HADFIELD, and the civilians were in danger, and he fired several shots at the suspect.”

70. The PSP investigation report indicates that Hadfield “related that he paused after firing the first few rounds and observed that the subject continued to walk. He observed the suspect pause momentarily and then continue to walk toward him. He related that he fired additional shots at the suspect, and the suspect dropped to the ground.”

71. The PSP investigation report, however, does not discuss the fact that neither Defendant Hadfield’s nor Defendant Miller’s account of the fatal moments are supported by the MVR video or the autopsy report.

72. Specifically, it is undisputed that after being shot 4-6 times, and incurring serious but non-fatal wounds, Shultz stopped walking toward Defendants Hadfield and Miller, turned to his right away from the officers, and was just standing there, when Defendants Hadfield and Miller fired eleven (11) more bullets into his

side and back, killing him.

73. Inexplicably, Defendants Hyers and Kearney ignored the best evidence available to them – the MVR video and autopsy report – and cleared Defendants Hadfield and Miller of any wrongdoing.

74. Despite the obvious unlawful conduct discussed herein, Defendants Hyers and Kearney ratified Defendants Hadfield's and Miller's unlawful conduct, by refusing to discipline them, and by refusing to prosecute them for manslaughter.

75. Instead, Defendant Kearney issued a press release, clearing the officers of any criminal wrongdoing. See Press Release, **Exhibit F**.

76. The press release concludes “the actions of the officers in using deadly force in response to Mr. Shultz’s decision to advance while displaying a deadly weapon was reasonable.”

77. Clearly, the press release misrepresents the undisputed facts in that it fails to note that after being shot 4-6 times and incurring non-fatal wounds, Shultz stopped walking toward Defendants Hadfield and Miller, turned away from the officers, and was just standing there, when Defendants Hadfield and Miller fired eleven (11) more bullets into his side and back, killing him.

78. Moreover, the press release does not discuss the fact that the shooting continued after Shultz dropped the table knife.

79. Not surprisingly, Defendants Hyers and Kearney did not release the video to the media.

COUNT IV

**Plaintiff Estate of Todd W. Shultz v. Defendants
Springettsbury Township, Pennsylvania; and York County, Pennsylvania
Fourth & Fourteenth Amendments (Municipal Liability)
Pursuant to 42 U.S.C. § 1983**

80. Paragraphs 1-79 are stated herein by reference.

81. A municipality may be held liable if its policies, practices, and/or customs are the moving force behind the deprivation of an individual's constitutional rights. See Monell v. Dep't of Soc. Servs. of City of N.Y., 436 U.S. 658, 691 (1978).

82. Moreover, a municipality's failure to properly train its employees and officers can amount to a "custom" that will trigger liability under section 1983. See City of Canton v. Harris, 489 U.S. 378, 388 (1989).

83. Deliberate indifference to a training need may be established when a policymaker has knowledge of a "pattern of similar constitutional violations by untrained employees" but takes no action to augment or alter the municipality's employee training programs accordingly. See Lapella v. City of Atl. City, No. 10-2454, 2012 WL 2952411 at *7 (D.N.J. July 18, 2012) (citing Connick v. Thompson, 131 S.Ct. 1350, 1360 (2011)); Bielevicz v. Dubinon, 915 F.2d 845, 851

(3d Cir. 1990).

84. The Defendants Township and County maintained policies, practices, and customs, which were the moving force that resulted in Shult'z constitutional and statutory rights being violated.

85. Moreover, the Defendant Township was on notice of a need for further training related to the issues discussed herein but failed to provide the training, which resulted in Shultz's constitutional and statutory rights being violated.

86. In this regard, the Pennsylvania State Police ("PSP") investigation report indicates that "HADFIELD stated the suspect already had encroached within 21 feet of him prior to being shot, referring to police officer training that indicates that a subject with a bladed weapon can cover a distance of 21 feet and inflict serious bodily injury on an officer before the officer has time to react and stop the threat."

87. This statement evidences an unlawful use of force policy and improper training, as the "21 Foot Rule," pertains only to situations wherein the officer has a holstered weapon and a suspect is running at him with an edged weapon.

88. The "21 Foot Rule" has been widely criticized in the law enforcement community as being misinterpreted, misapplied, and misused, in an attempt to justify unlawful killings.

89. Defendants Hyers and Kearney knew from at least the Williams and

Landis cases, that officers, including Defendant Hadfield, had used excessive force against individuals in the past; yet they failed to take any action to prevent future violations. See Williams Video, **Exhibit G**; Landis Video, **Exhibit H**.

90. Instead, they conducted sham investigations designed to insulate the accused officers from penalty, did not issue any discipline except related to the use of profanity while committing assaults, issued public statements condoning and excusing the unlawful uses of force, and when the Township agreed as part of a settlement to ask the Pennsylvania Chiefs of Police Association to review its policies and practices, the Township took no action to follow up with the Association when it failed to do so.

91. It is believed that discovery will reveal, and therefore averred, that the Defendant Township failed to implement a policy, enforce a policy, or train police officers on the Fourth or Fourteenth Amendments to the U.S. Constitution, even after settling two prior excessive force lawsuits.

92. It is believed that discovery will reveal, and therefore averred, that the Defendant Township failed to implement an effective process to ensure that policies and training of the Defendant Township are followed by its police officers.

93. It is believed that discovery will reveal, and therefore averred, that

when it has been determined that officers have violated the constitutional or statutory rights of persons, or used unlawful force against persons, or when police officers have been named in citizen complaints, or when the Defendant Township has settled civil lawsuits, the Defendant Township has not required police officers to receive corrective or additional training.

94. It is believed that discovery will reveal, and therefore averred, that the Defendant Township did not follow its internal affairs policy and investigate, discipline, or retrain the Individual Defendants for the conduct discussed in this Complaint.

95. If it is ultimately determined that an internal affairs investigation occurred, it is believed that discovery will reveal, and therefore averred, that the investigation was triggered as a result of the instant litigation (so as to be a defense to the litigation), as opposed to when the Defendant Township first learned of the incident discussed herein.

COUNT V

Plaintiff Estate of Todd W. Shultz v. Defendants Survival Action

96. Paragraphs 1-95 are stated herein by reference.

97. Pursuant to Pennsylvania's Survival Statute, Shultz's causes of action

in life survive his death.

COUNT VI

Individual Plaintiffs v. Defendants Wrongful Death

98. Paragraphs 1-97 are stated herein by reference.

99. “Pennsylvania’s Wrongful Death Act, 42 PA. CONS. STAT. § 8301, allows a spouse, children or parents of a deceased to sue another for a wrongful or neglectful act that led to the death of the deceased,” and it allows, as damages, “the value of the decedent’s life to the family, as well as expenses caused to the family by reason of the death,” Hatwood v. Hospital of the University of Pennsylvania, 55 A.3d 1229, 1235 (Pa. Super. Ct. 2012) (quoting Slaseman v. Myers, 455 A.2d 1213, 1218 (Pa. Super. Ct. 1983)).

100. These damages include “the value of his services, including society and comfort.” Id. (quoting Rettger v. UPMC Shadyside, 991 A.2d 915, 932-33 (Pa. Super. Ct. 2010)).

101. As a direct and proximate cause of the Defendants’ actions, which caused Shultz’s wrongful death, Shultz’s family suffered a financial loss associated in large part with lost services, society, guidance, companionship, comfort, and consortium.

WHEREFORE, Plaintiffs respectfully request that judgment be entered in Plaintiffs' favor as follows:

- A. That this Court declare that the Defendants' actions violated Shultz's constitutional and statutory rights;
- B. Compensatory damages including but not limited loss of companionship, consortium, comfort, society, financial support, and guidance caused by the death; and the survivor's emotional suffering.
- C. Punitive damages (except against the municipal Defendants);
- D. Reasonable attorney's fees and costs;
- E. A jury trial; and,
- F. Such other financial or equitable relief as is reasonable and just.

Jury Trial Demand

Plaintiffs respectfully request a trial by jury on all claims/issues in this matter that may be tried to a jury.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Devon M. Jacob". The signature is written in a cursive style with a large initial 'D'.

Date: December 18, 2014

DEVON M. JACOB, ESQUIRE

Pa. Sup. Ct. I.D. 89182

Counsel for Plaintiffs

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