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LAW OFFICES OF PHILLIP PAUL WEIDNER AND ASSOCIATES, APC

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

ESTATE OF SHANE TASI, by and through )  
his Widow and Personal Representative of )  
Estate, Jean Taualo-Tasi; JEAN TAUALO- )  
TASI, individually; LEONIDAS TAUALO- )  
TASI, a Minor Child, by and through his )  
Mother/Personal Representative Jean )  
Taualo-Tasi; LIANAIYA TAUALO-TASI, )  
a Minor Child, by and through his )  
Mother/Personal Representative Jean )  
Taualo-Tasi; LEONADICUS TAUALO- )  
TASI, a Minor Child, by and through his )  
Mother/Personal Representative Jean )  
Taualo-Tasi; SHANE TASI, a Minor Child, )  
by and through his Mother/Personal )  
Representative Jean Taualo-Tasi; and )  
AYAHNAH ALOFA AUMUA, a Minor )  
Child, by and through her Personal )  
Representative Jean Taualo-Tasi and her )  
Mother, Raelynn Alofa Aumua, )

Plaintiffs, )

v. )

MUNICIPALITY OF ANCHORAGE; )  
ANCHORAGE POLICE DEPARTMENT; )  
ANCHORAGE POLICE DEPARTMENT )  
OFFICER BOAZ GIONSON; )  
ANCHORAGE POLICE DEPARTMENT )  
OFFICER JOSHUA VANCE; )  
ANCHORAGE POLICE DEPARTMENT )  
OFFICER JAMES WILLIAMS; JOHN )  
DOES 1-10; )

Defendants. )

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Original Received  
NOV 21 2013

Clerk of the Trial Courts

Case No. 3AN-13- 10684 CI

COMPLAINT

COME NOW the Plaintiffs, the ESTATE OF SHANE TASI, by and through his Personal Representative Jean Taualo-Tasi; JEAN TAUALO-TASI, individually; LEONIDAS TASI, a Minor son of decedent Shane Tasi, by and through his natural Mother Jean Taualo-Tasi, and by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi; LIANAIYA

TASI, a Minor son of decedent Shane Tasi, by and through his natural Mother Jean Taualo-Tasi, and by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi; LEONAIIDICUS TAUALO-TASI, a Minor son of decedent Shane Tasi, by and through his natural Mother Jean Taualo-Tasi, and by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi; SHANE TASI II, a Minor son of decedent Shane Tasi, by and through his natural Mother Jean Taualo-Tasi, and by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi, by and through Counsel, Phillip Paul Weidner of Phillip Paul Weidner & Associates, a Professional Corporation, and AYAHNAH ALOFA AUMUA, a Minor daughter of decedent Shane Tasi, by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi, by and through counsel Phillip Paul Weidner & Associates, APC, and by and through her natural Mother Raelynn Alofa Aumua, by and through counsel, Charles Coe, and hereby state, claim, plead and allege as their cause(s) of action in the instant matter, as follows.

This action arises from a tragic incident, which occurred in Anchorage on June 9, 2012, where Shane Tasi was shot, seized, wounded and killed by Defendant Boaz Gionson, an Officer of the Anchorage Police Department, (hereinafter “APD”), of the Municipality of Anchorage (“MOA”) acting under color of law, and as an agent of APD and MOA. After first seizing and wounding Shane Tasi, Officer Boaz Gionson fired several more shots at Shane Tasi, causing further injury and hastening his death. As he lay dying, his wife Jean Taualo-Tasi, pregnant with their child Shane Tasi II, came out of their apartment and saw her husband bleeding and dying while being handcuffed by APD officers. She and her three children, Leonitas Taualo-Tasi, Leonaidicus Taualo-Tasi and Lianaiya Taualo-Tasi, were seized and herded back into the apartment building, corralled in the laundry room and unlawfully arrested and detained and

confined and not permitted to leave. Shane Tasi was deprived of the last moment of human contact with his wife, Jean Taualo-Tasi. Jean Taualo-Tasi and her children were deprived of the opportunity to comfort their husband and father as he lay dying with the knowledge that he would never see his unborn child Shane Tasi II, and never see all five of his children grow up. Jean Taualo-Tasi and her children suffered, and will continue to suffer great emotional distress.

## I. PARTIES

1. Plaintiff ESTATE OF SHANE TASI is the Estate of Shane Tasi, Deceased, under the laws of the State of Alaska and at the time of his death SHANE TASI was a resident of and domiciled in the State of Alaska.

2. Plaintiff JEAN TAUALO-TASI is the widow of decedent Shane Tasi and the Personal Representative of the ESTATE OF SHANE TASI, as she is the Widow and the one with highest priority to be Personal Representative and the natural mother of the four minor Plaintiffs, Leonidas Taualo-Tasi, Lianaiya Taualo-Tasi, Leonaidicus Taualo-Tasi, and Shane Tasi II, and has acted and is acting as Personal Representative, of the Estate of Shane Tasi under the Alaska statutes, as subject to Appointment under the Alaska law. At all times pertinent hereto, Jean Taualo-Tasi was a resident of the State of Alaska as were the four minor Plaintiffs, Leonidas Taualo-Tasi, Lianaiya Taualo-Tasi, Leonaidicus Taualo-Tasi, Ayahnah Alofa Aumua, and as was and/or is Shane Tasi II, born after the death of his father, Shane Tasi; Shane Tasi II was in utero and viable at the time of his father's death. Decedent Shane Tasi was a citizen and resident of the State of Alaska at the time of the incident, and his tragic death, as were the other Plaintiffs, and at all times pertinent hereto. Shane Tasi died on or about June 9, 2012, as a result of being unconstitutionally shot and seized, and shot repeatedly intentionally and unnecessarily,

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recklessly, willfully and negligently and/or with reckless indifference to the interests of the Plaintiffs' by APD Officer Boaz Gionson in the tragic, fatal yet unnecessary and preventable incident/shooting/death of Shane Tasi outside Plaintiff Shane Tasi's apartment in Anchorage, Alaska, at or near 707 North Bunn.

3. Plaintiff JEAN TAUALO-TASI was legally married to Shane Tasi at the time of his tragic death. At all times pertinent hereto, Plaintiff Jean Taualo-Tasi was a resident of the State of Alaska. Plaintiff Jean Taualo-Tasi is a victim of the culpable conduct of the Defendants herein insofar as she has suffered and will suffer extreme mental and emotional distress, anguish, anxiety and loss of consortium of her husband, and the love, companionship, and emotional and financial support, and parenting of Shane Tasi for their four children as a result of the tragic death of Shane Tasi.

4. Plaintiff LEONITAS TAUALO-TASI, (D.O.B. 06/09/2009), is the natural Minor child of Jean Taualo-Tasi and decedent Shane Tasi, and at all times pertinent hereto was and is a resident of the State of Alaska. Plaintiff Leonitas Taualo-Tasi, at such a young age, is the victim of the culpable conduct of the defendants herein, insofar as he has suffered and will suffer extreme mental and emotional distress, anxiety, and loss of parental consortium, and the love, companionship and parental emotional and financial support of Shane Tasi as a result of the death of his father.

5. Plaintiff LIANAIYA TAUALO-TASI, (D.O.B. 04/11/2010), is the natural Minor child of Jean Taualo-Tasi and decedent Shane Tasi, and at all times pertinent hereto was and is a resident of the State of Alaska. Plaintiff Lianaiya Taualo-Tasi, at such a young age, is the victim of the culpable conduct of the defendants herein, insofar as he has suffered and will suffer extreme mental and emotional distress, anxiety, and loss of parental consortium, and the love,

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companionship and parental emotional and financial support of Shane Tasi as a result of the death of her father.

6. Plaintiff LEONADICUS TAUALO-TASI, (D.O.B. 06/10/2011), is the natural Minor child of Jean Taualo-Tasi and decedent Shane Tasi, and at all times pertinent hereto was and is a resident of the State of Alaska. Plaintiff Leonaidicus Taualo-Tasi, at such a young age, is the victim of the culpable conduct of the defendants herein, insofar as he has suffered and will suffer extreme mental and emotional distress, anxiety, and loss of parental consortium, and the love, companionship and emotional financial support of Shane Tasi as a result of the death of his father.

7. Plaintiff SHANE TASI II, (D.O.B. 08/10/2012), is the natural Minor child of Jean Taualo-Tasi and decedent Shane Tasi, and at all times pertinent hereto was and is a resident of the State of Alaska. He was alive in utero and viable at the time of his father's death, and born after the death of his father and will never see or have any physical contact with his father. Plaintiff Shane Tasi II, at such a young age, is the victim of the culpable conduct of the defendants herein, insofar as he has suffered and will suffer extreme mental and emotional distress, anxiety, and loss of parental consortium, and the love, companionship and parental and emotional financial support of Shane Tasi as a result of the death of his father.

8. Plaintiff AYAHAHNAH ALOFA AUMUA, (D.O.B. 02/26/2009), is the natural Minor child of Raelynn Alofa Aumua and decedent Shane Tasi, and at all times pertinent hereto, was and is a resident of the State of Alaska. Plaintiff Ayahnah Alofa Aumua, at such a young age, is the victim of the culpable conduct of the defendants herein, insofar as she has suffered and will suffer extreme mental and emotional distress, anxiety, and loss of parental consortium,

and the love, companionship and parental and emotional financial support of Shane Tasi as a result of the death of her father.

9. The ESTATE OF SHANE TASI is the legal Estate of the deceased, Shane Tasi, under the law of Alaska, and has suffered damages, and said Estate, and/or said Personal Representative Jean Taualo-Tasi, are entitled to recovery of all appropriate relief from the defendants as to same, including but not limited to for all survival and/or wrongful death and/or civil rights claims and damages under the applicable U.S. and Alaska common law, statutes, and regulations, damages for economic loss, loss of future earnings and benefits, loss of enjoyment of life, emotional and physical pain and suffering, emotional distress, parental duties, punitive damages, and other damages recoverable at law, and Jean Taualo-Tasi, as Personal Representative of same, as well as individually and on behalf of the five minor children, Leonitas Taualo-Tasi, Lianaiya Taualo-Tasi, Leonaidicus Taualo-Tasi, Shane Tasi II, and Ayahnah Alofa Aumua, is seeking recovery in this lawsuit as to all actionable claims, and for the benefit of the Estate and the heirs, and/or offspring of Shane Tasi and as to all consortium/wrongful death/survival/civil rights claims and other actionable claims under all applicable laws.

10. On information and belief, defendant MUNICIPALITY OF ANCHORAGE (MOA), is a first-class city within the State of Alaska, organized as provided under Alaska Statutes Title 29 and may be sued under AS 29.35.010 and the common law. The Defendant Anchorage Police Department is an agency of the Defendant, the Municipality of Anchorage. Said defendants are responsible and/or vicariously liable for the acts of the Anchorage Police Officer Boaz Gionson, and Officers Joshua Vance and James Williams acting as their agents and for failure to adequately train, supervise and equip said Officer(s) in the shooting of Shane Tasi

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by Officer Gionson on or about June 9, 2012, and the detention of the other Plaintiffs as set out herein, and the other actionable claims herein.

11. On information and belief, OFFICER BOAZ GIONSON is and/or was at the time of the events referred to herein an Officer with the Anchorage Police Department, and an agent of the Anchorage Police Department and the City of Anchorage, and was and/or is a resident of the State of Alaska and/or acting under color of law and/or acting in a culpable fashion in the State of Alaska, so as to subject him to the jurisdiction of this Court.

12. On information and belief, OFFICER JOSHUA VANCE is and/or was at the time of the events referred to herein an Officer with the Anchorage Police Department, and an agent of the Anchorage Police Department and the City of Anchorage, and was and/or is a resident of the State of Alaska and/or acting under color of law and/or acting in a culpable fashion in the State of Alaska, so as to subject him to the jurisdiction of this Court.

13. On information and belief, OFFICER JAMES WILLIAMS is and/or was at the time of the events referred to herein an Officer with the Anchorage Police Department, and an agent of the Anchorage Police Department and the City of Anchorage, and was and/or is a resident of the State of Alaska and/or acting under color of law and/or acting in a culpable fashion in the State of Alaska, so as to subject him to the jurisdiction of this Court.

14. Certain other John Doe defendants 1-10, are agents and/or employees of the Defendant Municipality of Anchorage and said John Doe defendants and named defendants acted under color of law of the State of Alaska and /or Municipality of Anchorage, and or the United States and their culpable conduct, acts, and/or omissions were done while the defendants were within the scope of their duties for the Municipality of Alaska. Furthermore, said actions were pursuant to the policies, customs and practices of the Municipality of Anchorage.

## II. FACTS RELEVANT TO ALL CAUSES OF ACTION

15. Officer Gionson was responding to a reported incident at the apartment complex at 707 North Bunn in Mountain View, Anchorage, Alaska, in which decedent Shane Tasi, his pregnant wife Jean Taualo-Tasi, and children Leonidas Taualo-Tasi, Lianaiya Taualo-Tasi, and Leonaidicus Taualo-Tasi resided. Shane Tasi had gone outside his residence after a window was broken, and one or more of three individuals, who it is believed were named Willie Emry, Jason Netter, and Bronson Birdsell, had been shouting and apparently sought entrance to the apartment by beating on the exit window from the living room, and/or exit door from the apartment so as to alarm Mr. Tasi and his family. Mr. Tasi exited the apartment to investigate the threats to him and his family, and was carrying an alleged broomstick handle in his hand. One or more of the three men (Willie Emry, Jason Netter, and Bronson Birdsell) were in the area. Neither of the three men or Officer Gionson were in any danger to justify the use of deadly force by Officer Gionson, which occurred. Officer Gionson had the ability and duty to diffuse and to not escalate the situation. A backup was nearby and responding. There already was at least one other APD officer, Officer Tull, in the immediate vicinity and responding.

16. Officer Gionson did not try to talk appropriately to Mr. Tasi or warn Mr. Tasi. Officer Gionson did not appropriately try to find out what was the situation, or defuse same. Officer Gionson did not even try to disable Mr. Tasi in a non-fatal fashion, even if he perceived Mr. Tasi would not stop.

17. Instead, Officer Gionson fired a shot into Mr. Tasi's body. Mr. Tasi fell to the ground. While Mr. Tasi was disabled and/or falling to the ground, and/or on the ground, and/or struggling, when there was no immediate threat to Officer Gionson, Officer Gionson without justification may have pumped two more bullets into Mr. Tasi.



18. Mr. Tasi, mortally wounded by Officer Gionson, was even then not assisted, but handcuffed as he was dying before the paramedics arrived. His wife was not even allowed to go to him.

19. An unnecessary first shot, and/or unnecessary lethal shots, were fired by Officer Gionson who, on information and belief, was either not adequately trained, and/or supervised, and/or equipped, and/or not properly taught how to handle potentially hostile situations in a non-lethal way, and/or not properly instructed/taught on how to stand their ground and/or safely retreat and/or not properly instructed/taught how to incapacitate or seize an individual in a non-lethal manner. On information and belief, there may be customs, procedures and/or practices of the APD that result in the unnecessary use of deadly force. On information and belief, officers were recklessly and/or negligently not provided with the means and training (including but not limited to equipping officers with tasers) to deescalate such an encounter without excessive force.

20. Further, once the first shot was fired, and/or Mr. Tasi collapsed and/or was disabled and/or going down, there was no justification for the excessive force/lethal force of the second and third shots. Officer Gionson was in no danger, help was nearby, and all the officer did was ensure that Mr. Tasi, who had not been convicted of any crime, would be repeatedly shot and therefore be more likely to die, leaving behind a pregnant widow and three children.

21. APD Officers Joshua Vance and James Williams unlawfully seized and falsely imprisoned the wife and children of Shane Tasi by seizing them and removing them from the view of their dying husband and father, and from the apartment, and confining them in the laundry room of their apartment building.

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22. Shane Tasi was a person of color, of Samoan descendant, as are the other Plaintiffs. On information and belief, the use of deadly force and/or unlawful restraint may be, and/or was employed more quickly and disproportionately to persons of color or certain ethnic groups as to amount to discriminatory conduct/impact in violation of 42 USC 1983, the fourth, fifth and fourteenth amendment to the U.S. Constitution and similar provisions of the Alaska Statutes and the Alaska Constitution.

**COUNT ONE**

***(42 U.S.C. 1983 Action Against Anchorage Police Officer(s), Anchorage Police Department, and Municipality of Anchorage Violation of Shane Tasi's 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendment Rights)***

Plaintiffs hereby reallege and incorporate paragraphs 1 through 22 above as though fully set forth herein.

23. The above-described actions of Anchorage Police Department Officer Gionson, and persons acting with him, for which the Municipality of Anchorage and Anchorage Police Department are likewise liable violated the right of Plaintiff Shane Tasi to due process, and/or to be free from excessive and/or unnecessary force and seizure guaranteed by the United States Constitution, including the 4<sup>th</sup> Amendment, 5<sup>th</sup> Amendment, and the 14<sup>th</sup> Amendment to the U.S. Constitution, U.S. Statute 42 Section 1983, and United States of America Common Law. Officer Gionson's actions constitute an actionable seizure of Shane Tasi and deprivation of due process in violation of the Fourth, Fifth and Fourteenth Amendment. Officer Gionson did this in a manner that was unreasonable because it created a great and unjustified and unnecessary danger of death or serious bodily injury to Shane Tasi, with the seizure resulting in the fatal wounding in violation of Shane Tasi's constitutional rights.

24. These unreasonable, reckless and dangerous and unconstitutional actions without justification directly caused Shane Tasi to suffer loss of life and liberty, and great physical and

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emotional injury, as well as injuries to Jean Taualo-Tasi, Leonitas Taualo-Tasi, Lianaiya Taualo-Tasi, Leonaidicus Taualo-Tasi, Ayahnah Alofa Aumua, and the then-unborn child Shane Tasi II, and caused injury to the other Plaintiffs including their constitutional, statutory, and common law rights.

**COUNT TWO**

***(42 U.S.C. 1983 Action Against Anchorage Police Department Officer Gionson and Municipality of Anchorage and Anchorage Police Department Violation of Shane Tasi's 4<sup>th</sup> Amendment, 14<sup>th</sup> Amendment and 5<sup>th</sup> Amendment Rights)***

Plaintiffs hereby reallege and incorporate paragraphs 1 through 24 as though fully set forth herein.

25. In engaging in reckless excessive and lethal force as to Shane Tasi, and by seizing Shane Tasi by shooting and then handcuffing him, Defendant APD Officer Gionson escalated a confrontation that subjected Shane Tasi to unreasonable and unnecessary dangers and injury, and resulted in the death of Shane Tasi without adequate law enforcement or constitutional justification. In doing so, Defendant Officer Gionson deprived Plaintiff Shane Tasi of rights to not be deprived of life and liberty without due process of law under the 14<sup>th</sup> Amendment and 5<sup>th</sup> Amendment to the United States Constitution and 42 U.S.C. § 1983 by engaging in such reckless and capricious conduct that was unreasonable and/or unnecessarily dangerous and/or was with deliberate indifference and/or shocks the conscience.

26. The Municipality of Anchorage and Anchorage Police Department are liable for such conduct and damages.

27. These unreasonable, reckless and deliberately indifferent actions directly caused Shane Tasi to suffer loss of life and liberty, and great physical and emotional injury and harmed

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all Plaintiffs. Therefore, Defendants are liable to each of these Plaintiffs, for compensatory damages.

**COUNT THREE**

***(42 U.S.C. 1983 Action Against Municipality of Anchorage, Anchorage Police Department/Officer Gionson /Officer Vance/Officer Williams– Violation of Shane Tasi’s Alaska Constitutional Rights, Article I, Section 7 and 14)***

Plaintiffs hereby reallege and incorporate paragraphs 1 through 27 above as though fully set forth herein.

28. The MOA, APD, Officer Gionson, Officer Vance, Officer Williams, and defendants John Doe 1-10, are liable for all damages due under 42 U.S.C. § 1983 and/or for violating Shane Tasi’s Constitutional rights and/or the other Plaintiffs’ rights under the Alaska Constitution, Article 1, sections 7 and 14.

**COUNT FOUR**

***(Section 1983 Damages Against MOA and APD)***

Plaintiffs hereby reallege and incorporate paragraphs 1 though 28 above as though fully set forth herein.

29. The MOA and the APD are liable for all damages due to Shane Tasi and/or the other Plaintiffs for 42 U.S.C. § 1983 violation(s), by Officer Gionson, Officer Vance, Officer Williams, Defendants John Does 1-10, and for their own violations in training, supervision, etiquette, procedures, equipping their officers and customs and policies and practices as set forth in this complaint.

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**COUNT FIVE**  
*(42 U.S.C. 1983 Action Against Defendants – Violation of Plaintiffs’ U.S. and Alaska Constitutional Rights)*

Plaintiffs hereby reallege and incorporate paragraphs 1 through 29 above as though fully set forth herein.

30. The excessive force resulting in the mortal wounding of Shane Tasi, caused Jean Taualo-Tasi, Leonitas Taualo-Tasi, Leonaidicus Taualo-Tasi, Lianaiya Taualo-Tasi, Ayahnah Alofa Aumua, and the Minor child Shane Tasi II, to be deprived of their rights under the U.S. Constitution, including liberty interest to the companionship of Shane Tasi without due process of law, in violation of the Fifth and Fourteen Amendment of the Constitution of the United States and 42 U.S.C. § 1983, and Article I, Section 14 of the Alaska Constitution.

31. The Defendants’ reckless and deliberately indifferent actions directly caused Plaintiffs to suffer great emotional distress, destroy the relationship between Shane Tasi, his wife and children. The Defendants are liable to Plaintiffs for compensatory damages.

32. The MOA and APD and other Defendants are liable for all damages due to Plaintiffs for 42 U.S.C. § 1983 violation(s) and/or Alaska Constitution and/or U.S. Constitution and/or common law violations, including the violations as to seizures, wounding and death.

**COUNT SIX**  
*(Monell Action Against MOA and APD )*

Plaintiffs hereby reallege and incorporate paragraphs 1 through 32 above as though fully set forth herein.

33. The MOA and APD caused all of the Plaintiffs to suffer the deprivations of federal and state constitutional rights described in the Counts above. Those actions were allowed, approved and/or ratified by Defendants, with respect to law enforcement policy. Officer

Gionson's reckless actions foreseeably resulted from the MOA and APD's deliberate indifference to the need to adequately train and/or supervise and/or establish and enforce police practices, procedures, policies and/or customs and equipping police officers adequately to deal with an altercation or potentially hostile situation without resorting to excessive/lethal force.

34. Defendants MOA and APD are liable under 42 U.S.C. Section 1983 for the violation and deprivation of plaintiffs' constitutional rights under color of law by virtue of defendant Gionson and/or certain other defendants acting pursuant to the official policy or custom of the defendant Municipality of Anchorage, and/or by and through their employee, agent, and servant, Gionson.

35. Defendants MOA and APD failed to properly or adequately train and/or supervise and/or equip Officer Gionson.

36. The failure to do so, given prior unethical, improper, and/or unconstitutional acts by MOA and APD police officers and/or agents and/or employees amounting to excessive force, and the knowledge of a continuing course of such conduct, amounts to a deliberate indifference to the civil rights of Shane Tasi and the other plaintiffs, as well as an indifference to the rights of other citizens and the community at large, and constitutes an official and/or *de facto* policy of the Municipality of Anchorage approving and/or condoning and/or ratifying the improper acts and omissions of its agents and employees.

37. The MOA and APD's actions and deliberate indifference caused all plaintiffs to suffer loss of liberty and great physical, emotional and economic injury. The Defendants are therefore liable to these plaintiffs for compensatory damages, under 42 U.S.C. § 1983.

**COUNT SEVEN**  
**(State Law False Arrest and/or Imprisonment)**

38. Plaintiffs hereby reallege and incorporate paragraphs 1 through 37 above.

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39. The Defendant's acts constitute false arrest and/or false imprisonment, and/or unreasonable and unconstitutional seizure under State Law for which Defendants are liable directly and/or vicariously liable.

**COUNT EIGHT**  
*(State Law Negligence Against MOA, APD, and Officer Gionson)*

Plaintiffs hereby reallege and incorporate paragraphs 1 through 39 above as though fully set forth herein.

40. Defendants breached their duty to exercise reasonable care to not engage in excessive/lethal force and/or unreasonable search and seizure. In doing so, they violated Plaintiffs' rights under the U.S. and Alaska Constitutions and Alaska and U.S. common laws as alleged herein. The Defendant Officer Gionson did so in the course and within the scope of his duties as an employee of APD and/or MOA.

41. The Defendants MOA and APD are therefore liable to compensate all the Plaintiffs for the damages described above, and punitive damages as set out below.

**COUNT NINE**  
*(State Law Negligence Against MOA, APD, Officer Vance, and Officer Williams)*

Plaintiffs hereby reallege and incorporate paragraphs 1 through 41 above as though fully set forth herein.

42. Defendants breached their duty to exercise reasonable care to not engage in excessive and/or lethal force and/or unreasonable search and seizure. In doing so, they violated Plaintiffs' rights under the U.S. and Alaska Constitutions and Alaska and U.S. common laws as alleged herein. The Defendant Officer Gionson did so in the course and within the scope of his duties as an employee of APD and/or MOA.

43. The Defendants MOA and APD are therefore liable to compensate all the Plaintiffs for the damages described above, and punitive damages as set out below.

**COUNT TEN**  
*(42 U.S.C. 1983 Action and Violation of 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendment to U.S. Constitution)*

Plaintiffs hereby reallege and incorporate paragraphs 1 through 43 above as though fully set forth herein.

44. APD Officers Joshua Vance and James Williams unlawfully seized and falsely imprisoned Jean Taualo-Tasi, Leonitas Taualo-Tasi, Leonaidicus Taualo-Tasi, Lianaiya Taualo-Tasi, by seizing them and removing them from the view of their dying husband and father, and from the apartment, confining them in the laundry room of their apartment building, in violation of the Fourth Amendment to the U.S. Constitution, 42 U.S.C 1983, the Fourteenth Amendment of the U.S. Constitution, and Fifth Amendment of the U.S Constitution seizure theory, depriving them of liberty, without due process of law and further in violation of the Alaska Constitution and common law for which the Defendants MOA and APD are liable to Jean Taualo-Tasi and her children, Leonidas Taualo-Tasi, Lianaiya Taualo-Tasi, and Leonaidicus Taualo-Tasi. The actions of certain Defendants amount to false arrest, unconstitutional seizure, false imprisonment and denial of due process, and the Defendant Municipality of Anchorage and APD is vicariously liable for these acts of its agents under the doctrine of respondent superior.

**III. PUNITIVE DAMAGES**

Plaintiffs hereby reallege and incorporate paragraphs 1 through 44 above as though fully set forth herein.

45. The conduct of individual defendants, persons, and/or persons acting with them, individually, jointly and severally was willful, wanton, reckless and with reckless indifference

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and/or in deliberate disregard of the foreseeable consequences and the interests of other persons, and of the plaintiffs' Constitutional, statutory, and/or common law rights under Federal and/or State law, and calls for the imposition of punitive damages against all said defendants individually, jointly and severally who are subject to same under the law in an appropriate amount to chill and deter such conduct in the future, with due regard to the nature of the culpable conduct at issue, and harm to plaintiffs, and the net worth of the respective defendants.

**WHEREFORE**, the Plaintiffs seek the following relief:

- a. On behalf of Plaintiffs, compensatory damages in excessive of one million dollars from the Defendant(s), jointly and severally;
- b. For punitive damages against each Defendant from which such damages are allowable by law in an appropriate amount;
- c. For appropriate prejudgment and post-judgment interest in the maximum amount allowable by law;
- d. An award of costs, attorneys' fees and expenses against the State Defendants, and each of them, pursuant to 42 U.S.C. § 1983, and Alaska law;
- e. Interest, and other relief as the Court may deem just and equitable;
- f. A trial by jury under the Plaintiffs' United States and Alaska Constitutional rights to same with respect to all claims.

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RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of November, 2013, at Anchorage, Alaska.

WEIDNER & ASSOCIATES  
Counsel for Jean Taualo-Tasi, Leonitas  
Taualo-Tasi, Leonaidicus Taualo-Tasi,  
Lianaiya Taualo-Tasi, Ayahnah Alofa  
Aumua, and Shane Tasi II

By: Phillip Paul Weidner  
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ABA No. 7305032

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Raelynn Alofa Aumua

By: Charles W. Coe  
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**COMPLAINT**

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

ESTATE OF SHANE TASI, by and through )  
his Widow and Personal Representative of )  
Estate, Jean Taualo-Tasi; JEAN TAUALO- )  
TASI, individually; LEONIDAS TAUALO- )  
TASI, a Minor Child, by and through his )  
Mother/Personal Representative Jean )  
Taualo-Tasi; LIANAIYA TAUALO-TASI, )  
a Minor Child, by and through his )  
Mother/Personal Representative Jean )  
Taualo-Tasi; LEONADICUS TAUALO- )  
TASI, a Minor Child, by and through his )  
Mother/Personal Representative Jean )  
Taualo-Tasi; SHANE TASI, a Minor Child, )  
by and through his Mother/Personal )  
Representative Jean Taualo-Tasi; and )  
AYAHNAH ALOFA AUMUA, a Minor )  
Child, by and through her Personal )  
Representative Jean Taualo-Tasi and her )  
Mother, Raelynn Alofa Aumua, )  
Plaintiffs, )  
v. )  
MUNICIPALITY OF ANCHORAGE; )  
ANCHORAGE POLICE DEPARTMENT; )  
ANCHORAGE POLICE DEPARTMENT )  
OFFICER BOAZ GIONSON; )  
ANCHORAGE POLICE DEPARTMENT )  
OFFICER JOSHUA VANCE; )  
ANCHORAGE POLICE DEPARTMENT )  
OFFICER JAMES WILLIAMS, JOHN )  
DOES 1-10; )  
Defendants. )

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**NOV 21 2013**  
**Clerk of the Trial Courts**

Case No. 3AN-13- 10684 CI

**DEMAND FOR JURY TRIAL**

COME NOW PLAINTIFFS, the ESTATE OF SHANE TASI, by and through his  
Personal Representative Jean Taualo-Tasi; JEAN TAUALO-TASI, individually; LEONITAS  
TASI, a Minor son of decedent Shane Tasi, by and through his natural Mother Jean Taualo-Tasi,  
and by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi;

LIANAIYA TASI, a Minor son of decedent Shane Tasi, by and through his natural Mother Jean Taualo-Tasi, and by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi; LEONAIIDICUS TAUALO-TASI, a Minor son of decedent Shane Tasi, by and through his natural Mother Jean Taualo-Tasi, and by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi; SHANE TASI II, a Minor son of decedent Shane Tasi, by and through his natural Mother Jean Taualo-Tasi, and by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi; by and through Counsel, Phillip Paul Weidner of Phillip Paul Weidner & Associates, a Professional Corporation, and AYAHNAH ALOFA AUMUA, a Minor daughter of decedent Shane Tasi, by and through Jean Taualo-Tasi, Personal Representative of the Estate of Shane Tasi, by and through counsel Phillip Paul Weidner & Associates, APC, and by and through her natural Mother Raelynn Alofa Aumua, by and through counsel, Charles Coe, hereby request and demand a jury trial pursuant to the United States and Alaska Constitutions and Alaska Rule of Civil Procedure 38 as to all issues so triable.

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of November, 2013, at Anchorage, Alaska.

WEIDNER & ASSOCIATES  
Counsel for Jean Taualo-Tasi, Leonitas  
Taualo-Tasi, Leonaidicus Taualo-Tasi,  
Lianaiya Taualo-Tasi, Ayahnah Alofa  
Aumua, and Shane Tasi II

By: Phillip Paul Weidner  
Phillip Paul Weidner, ABA No. 7305032

LAW OFFICE OF CHARLES W. COE  
Counsel for Ayahnah Alofa Aumua, and  
Raelynn Alofa Aumua

By: Charles W. Coe  
Charles W. Coe, ABA 7804002