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NOTICE OF CLAIM OF A CLASS/MASS ACTION
Uvalde Consolidated Independent School District,

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TO THE UVALDE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT:

Preface: On account that Claimants have not yet fully discovered nor determined the full nature and extent of the wrongful, illegal, and negligent acts and failures to act, Claimants will amend their Claims accordingly when all facts have been ascertained. The many facts alleged

herein were only discovered on July 17, 2022. Thereby, these Claims are timely when considering that their discovery had been arguably impeded on account of Respondents deliberate concealment of relevant and potentially damaging facts.

Claimants and Does 1-500, whose identities and addresses are attached hereto as Appendix A, by their undersigned counsel, intend to file claims against the Uvalde Consolidated Independent School District, and will do so in compliance with the Texas Tort Claim notice procedure. The damages and/or injuries claimed are as follows:

The claims arise from the attack on May 24, 2022, perpetrated at and inside of Robb Elementary School in Uvalde, Texas. In that attack, Salvador Ramos (“the shooter”) travelled from his Grandmother’s home to Robb Elementary. During the attack, the shooter relied upon an assault rifle to carry out his intended massacre. The shooter’s actions resulted in the savage murder of nineteen children, two adults, and countless others with physical and emotional injuries whose impacts have scarred them beyond measure.

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AMOUNT OF CLAIMS: \$27 BILLION DOLLARS

STATEMENT OF FACTS PER THE INVESTIGATIVE COMMITTEE ON THE
ROBB ELEMENTARY SHOOTING
BY
TEXAS HOUSE OF REPRESENTATIVES
July 17, 2022

The following facts are excerpts from the undisputed facts as set forth in the Investigative Committee On The Robb Elementary Shooting by the Texas House Of Representatives:

“Since the 1999 Columbine tragedy, the law enforcement community has recognized the critical importance of implementing active shooter training for all officers, regardless of specialty. Also, all officers must now acknowledge that stopping the killing of innocent lives is the highest priority in active shooter response, and all officers must be willing to risk their lives without hesitation.

At Robb Elementary, law enforcement responders failed to adhere to their active shooter training, and they failed to prioritize saving the lives of innocent victims over their own safety.

The first wave of responders to arrive included the chief of the school district police and the commander of the Uvalde Police Department SWAT team. Despite the immediate presence of local law enforcement leaders, there was an unacceptably long period of time before officers breached the classroom, neutralized the attacker, and began rescue efforts. We do not know at this time whether responders could have saved more lives by shortening that delay. Regardless, law enforcement committed numerous mistakes in violation of current active shooter training, and there are important lessons to be learned from each faulty assumption and poor decision made that day.

The Uvalde CISD's written active shooter plan directed its police chief to assume command and control of the response to an active shooter. The chief of police was one of the first responders on the scene. But as events unfolded, he failed to perform or to transfer to another person the role of incident commander. This was an essential duty he had assigned to himself in the plan mentioned above, yet it was not effectively performed by anyone. The void of leadership could have contributed to the loss of life as injured victims waited over an hour for help, and the attacker continued to sporadically fire his weapon.

Instead of continuing to act as if they were addressing a barricaded subject scenario in which responders had time on their side, they should have reassessed the scenario as one involving an active shooter.... Recognition of an active shooter scenario also should have prompted responders to prioritize the rescue of innocent victims over the precious time wasted in a search for door keys and shields to enhance the safety of law enforcement responders.

.... Uvalde CISD and its police department failed to implement their active shooter plan and failed to exercise command and control of law enforcement responding to the tragedy. But these local officials were not the only ones expected to supply the leadership needed during this tragedy.

Yet in this crisis, no responder seized the initiative to establish an incident command post. Despite an obvious atmosphere of chaos, the ranking officers of other responding agencies did not approach the Uvalde CISD chief of police or anyone else perceived to be in command to point out the lack of and need for a command post, or to offer that specific assistance.... This suggests a training deficiency, in that responding officers failed to adequately question the absence of command....

Multiple witnesses reported to the Committee that people at Robb Elementary commonly left doors unlocked, as did people at all the other Uvalde CISD schools as well.⁷⁸ Teachers would use rocks to prop open exterior doors,⁷⁹ and they used door stops, wedges, and magnets to prevent interior door locks from latching.

.... Arnulfo Reyes, the fourth grade teacher in Room 111 stated in an interview that teachers and students in his building widely knew that the door to his classroom frequently did not lock, and he had gotten in "trouble" several times when Uvalde CISD police officers found the door unlocked.....

The attacker was born in Fargo, North Dakota on May 16, 2004, the second child born to the mother, Uvalde native A.R., and her then-boyfriend, S.R. The couple split shortly after the attacker's birth, and A.R. returned to Uvalde with the two children. The father had limited and inconsistent involvement in his children's lives from that point onward....

The attacker's fourth grade year at Robb Elementary School was significant to him. The shooting took place in his former fourth grade classroom, and he discussed bad memories of fourth grade with an acquaintance just weeks beforehand. In testimony before the Committee, two different narratives have emerged....

Evidence shows that the attacker had been getting in increasing conflicts with his grandmother, and she had threatened to remove him from her mobile phone plan. On the morning of May 24th, she called customer service to do just that. After a nearly hour-long FaceTime conversation with his online acquaintance in Germany, the attacker began texting her live updates....

The attacker actually did shoot his grandmother in her face. Despite not having a driver's license, he then proceeded to steal her truck, abandoning her to seek help from a neighbor as he set out to complete his plan....

Robb Elementary Coach Yvette Silva was outdoors at that time with a group of third graders, and she spotted the backpack being tossed over the fence followed by a person dressed in black climbing over it. She then saw the person raise a gun and begin to shoot.... She used her

school radio to report: “Coach Silva to office, somebody just jumped over the fence and he’s shooting.” She ran toward a group of third graders on the school playground to tell them to lock down.... Meanwhile, the attacker proceeded to the fourth-grade teachers’ parking lot, continuing to fire his gun.

...Uvalde Police Department dispatch communicated to local law enforcement the initial 911 report from the funeral home about the vehicle crash. Numerous officers immediately began to respond in the direction of Robb Elementary School.

Uvalde Police SSgt. Eduardo Canales, commander of the SWAT team, had been at Robb Elementary just an hour before for his son’s end-of-year school ceremonies.... Lt. Pargas had been designated as acting chief. He grabbed his rifle, put a magazine into it, and grabbed an extra magazine. He saw people at the funeral home pointing in the direction of the school, and he heard somebody say the attacker was in or near the building. SSgt. Canales entered an open gate where he met Lt. Javier Martinez, also of the Uvalde Police.

...

After walking north along the west side of the west building, as observed by Ms. Ogburn, the attacker entered the unlocked west door of the west building.¹³² The exterior doors on the east and south sides of the building also were unlocked, such that even if the west door had been locked, the attacker still would have had the ability to enter the building, but his progress likely would have been slowed....

The surveillance video in the hallway shows that the attacker fired his gun toward Rooms 111 and 112 at approximately 11:33 a.m. He walked forward toward the doors and could be seen stepping back into the hallway before proceeding again into one of the classrooms....

As for Room 111, there was substantial evidence that door did not secure properly. The teacher in Room 111, Arnulfo Reyes, knew this, and on several occasions reported the condition of the door to the school. There was also evidence that teachers and students throughout the fourth grade knew the condition of Room 111’s door, as they regularly would enter the door to access the printer in that room.

According to an analysis provided to the Committee, after entering the attacker spent about 2½ minutes rapidly firing over 100 rounds between the two rooms, ultimately killing many innocent victims. Law enforcement discovered a Hellfire trigger system in the room with the attacker, but based on the evidence provided to date, the Committee is unable to determine whether it was used to increase the weapon’s rate of firing....

Also during this time, at approximately 11:36 a.m., Uvalde Police Department dispatch received a call reporting a woman “shot in the head on Diaz Street.”

After the attacker already had fired over 100 shots in Robb Elementary’s west building, two separate groups of officers converged on the building at the same time from different directions. From the time of their initial entry and over the course of the next five minutes, the attacker fired approximately 16 additional rounds

On the south side of the building, Chief Arredondo and Officer Adrian Gonzalez of the Uvalde CISD Police and Uvalde Police Officer Page and Sgt. Coronado approached. Officers Page and Gonzalez were the first to enter, followed by Chief Arredondo, then by Sgt Coronado. Officers Page and Gonzales both heard rounds as they were approaching. So did Sgt. Coronado, who yelled “shots fired.

Meanwhile, on the north side of the building, Lt. Martinez and SSgt. Canales of the Uvalde

Police entered the building first, followed by Uvalde Police Officer Louis Landry. Lt. Martinez told a DPS investigator that he heard gunfire from inside the building, then he entered. He testified to the Committee that he suspected the attacker was inside shooting, but that as he entered the building it was definitely quiet, with no screaming or crying....

The evidence establishes that as they arrived at the west building, the initial responders knew there had been gunfire inside the building. They heard it as they were approaching. When they entered, they could see a cloud of debris in the hallway from drywall, as well as bullet holes in the walls and spent rifle casings on the floor....

After entering the west building, the two separate groups of officers converged on Rooms 111 and 112. Coming from the south, Officer Page saw smoke and fog and observed that both classrooms were dark. Officer Gonzales remembers smelling gunpowder, saying that it looked smoky or cloudy, like someone set off a fire extinguisher. Chief Arredondo made similar observations of smoke, and he also saw spent casings on the ground....

Although the encounter had begun as an “active shooter” scenario, Chief Arredondo testified that he immediately began to think of the attacker as being “cornered” and the situation as being one of a “barricaded subject” where his priority was to protect people in the other classrooms from being victimized by the attacker.

With the benefit of hindsight, we now know this was a terrible, tragic mistake.

Testifying before the Committee, Chief Arredondo explained his thinking on this subject at the time as follows:

We have this guy cornered. We have a group of officers on ... the north side, a group of officers on the south side, and we have children now that we know in these other rooms. My thought was: We’re a barrier; get these kids out -- not the hallway, because the bullets are flying through the walls, but get them out the wall – out the windows, because I know, on the outside, it’s brick.’

...

Meanwhile, Sgt. Coronado had exited the building through the south door and made his own report by radio. He requested shields and flashbangs from the police department, and he asked for helicopter support and ballistic shields from the Department of Public Safety. Agreeing with Chief Arredondo’s assessment, he reported the shooter was “contained” inside the building and “barricaded in one of the offices.”...

When some newly arrived responders appeared to suggest that the officers should clear out of the south side of the hallway because United States Border Patrol Tactical Unit (BORTAC) responders were operating on the opposite end, Sgt. Coronado responded, “Chief is in there, Chief is in charge right now,” suggesting both that Chief Arredondo was in control and in communication with the other side of the building....

Beginning around 12:30 p.m., various officers entered through the south door and walked by Chief Arredondo and Sgt. Coronado, stacking up south of Rooms 111 and 112 and on the west side of the hallway, anticipating a move to breach the classrooms.

At 12:45 p.m., somebody commented that a Ranger had a set of keys that was being tested. And finally, at 12:50 p.m., a team of officers made entry into the classrooms and killed the attacker, with officers stationed in the south part of the hallway quickly falling in behind them and entering Rooms 111 and 112.

...

At first, responders from the Uvalde Police Department, including the acting chief of police on that day, Lt. Mariano Pargas, dominated the north end of the building. Lt. Pargas, who was one of the earliest responders, testified that he was never in communication with Chief Arredondo, and that he was unaware of any communication with law enforcement officers on the south side of the building. ... Lt. Pargas did receive a phone call from the chief of the Uvalde Police, who was out of town on vacation, who called to tell him to set up a command post right away.... According to Lt. Pargas, while nobody said it, the officers on the north side of the building were waiting for other personnel to arrive from Department of Public Safety or BORTAC, with better equipment like rifle-rated shields.

... Special Agent Luke Williams of the Department of Public Safety testified that upon his arrival he disregarded a request that he assist at the perimeter, and instead he proceeded into the east door on the north side of the building....

As Special Agent Williams then approached the intersection of the hallways from the east where a group of officers was positioned at the west side of the intersection with weapons pointed south, he heard somebody ask, “y’all don’t know if there’s kids in there?” Special Agent Williams interjected, “if there’s kids in there we need to go in there.”

... Between 11:52 a.m. and 12:21 p.m., the surveillance video shows four different ballistic shields arriving in the building. Importantly, however, only the last shield, furnished by the U.S. Marshals, was rifle-rated. The Committee heard evidence that the rifle-rated shield was the only one that would have provided meaningful protection to officers against the attacker’s AR-15 rifle.... A group of officers moved past the position previously established at the north hallway intersection, and they began to establish a stack close to the north side of Rooms 111 and 112. Viewed from the south, Sgt. Coronado announced the arrival of BORTAC.... This indicates that BORTAC likely assumed tactical command of the incident at this time.

BORTAC Acting Commander Paul Guerrero came to the north side of the building upon his arrival at Robb Elementary. In a post-incident statement, he said he was advised “that the subject had possibly shot multiple children and was still in the classroom.”...

According to his statement, Cdr. Guerrero attempted to pry open a door in the hallway to see if the Halligan tool would work. He determined it would take too long and dangerously expose an officer to gunfire coming from inside the classroom....

Working with the BORTAC team, Cdr. Guerrero had another agent use the rifle-rated ballistic shield to give him cover as he opened the classroom door....

A police radio communication of unknown origin stated at 11:56 a.m.: “[I]t is critical for everybody to let PD take point on this.” None of the witnesses interviewed by the Committee indicated any knowledge of this communication or what it meant by “PD” taking “point on this.”...

... The Committee has received no evidence that any officer who did learn about phone calls coming from inside Rooms 111 and 112 acted on it to advocate shifting to an active shooter-style response or otherwise acting more urgently to breach the classrooms.

A major error in the law enforcement response at Robb Elementary School was the failure of any officers to assume and exercise effective incident command....

Other people could have assumed command, including the next people in Uvalde CISD’s preassigned line of command for active shooter response or others on the scene with more

experience or training. ALERRT training teaches that any law enforcement officer can assume command, that somebody must assume command, and that an incident commander can transfer responsibility as an incident develops. That did not happen at Robb Elementary, and the lack of effective incident command is a major factor that caused other vital measures to be left undone....

Responders did not remain focused on the task of “stopping the killing” as instructed by active shooter training. They never attempted to breach the classroom before BORTAC accomplished entry....

But nobody ever checked the doors of Rooms 111 or 112 to confirm they were actually locked or secured. Room 111 probably was not. Chief Arredondo’s search for a key consumed his attention and wasted precious time, delaying the breach of the classrooms....

Nobody called Principal Gutierrez to ask about the location of a master key. She had a key, and the head custodian had a key. Yet despite all the effort to find a key, nobody called her....

And although it should not have proved necessary had responders remained focused on “stopping the killing” as soon as possible, as the incident dragged on, nobody tasked any law enforcement responder to establish reliable communications between the south and north sides of the building and with resources outside the building.

In total, 376 law enforcement officers responded to the tragedy at Robb Elementary School. The breakdown of responders, by agency, is as follows:¹

149	United States Border Patrol
91	Texas Department of Public Safety
25	Uvalde Police Department
16	San Antonio Police Department (SWAT)
16	Uvalde County Sheriff ’s Office
14	Department of Homeland Security – HIS
13	United States Marshals
8	Drug Enforcement Agency
7	Frio County Sheriff ’s Office
5	Kinney County Sheriff ’s Office
5	Uvalde Consolidated Independent School District
4	Dilley Police Department
4	Zavala County Sheriff ’s Office
3	Medina County Sheriff ’s Office
3	Sabinal Police Department
2	City of Uvalde Fire Marshals
2	Pearsall Police Department
2	Texas Parks and Wildlife
2	Uvalde County Constables
2	Val Verde County Sheriff ’s Office
1	Frio County Constables
1	Southwest Texas Junior College
1	Zavala County Constables”

¹ Source: Texas Department of Public Safety.

Investigative Committee on the Robb Elementary Shooting: Texas House of Representatives July 17, 2022

FEDERAL CLAIMS

1. 42 United States Code Section 1983; Fourteenth Amendment substantive due process;
2. 42 USC 1983: Failure to Perform a Mandatory Duty;
3. 42 USC 1983: Failure to Train;
4. 42 USC 1983: Failure to Supervise;
5. 42 USC 1983: Negligent Hiring;
6. 42 USC 1983: Fourth Amendment;
7. 42 USC 1982: Municipal Liability;
8. 42 USC 1983: Fourteenth Amendment;
7. 42 USC 1985: Conspiracy;
8. 42 USC 1986: Failure to Intercede

STATE CLAIMS

9. Negligence;
10. Negligence Per Se;
11. Premises Liability
12. Gross Negligence;
13. Intentional Infliction of Emotional Distress,
14. Negligent Infliction of Emotional Distress;
15. Tortious Failure to Discharge a Mandatory Governmental Duty;
16. Negligent Hiring, Supervision, Retention.

DAMAGES

Permanent psychic injury, including but not limited to, physical injuries, pain, anxiety, mental and emotional distress, fear, loss of enjoyment of life, spiritual injury, humiliation, discomfort, suffering/misery, loss of wages, damage to self-image, and damage to career.

Dated: August 22, 2022



Attorney for the Claimants

Appendix A

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