

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

HUNG V. NGUYEN,
as Personal Representative
of the Estate of FRANK ORDONEZ,

And

CARLOS LARA

Plaintiffs,

v.

MIAMI DADE POLICE DEPARTMENT;
DORAL POLICE DEPARTMENT
BROWARD SHERIFF'S OFFICE;
MIRAMAR POLICE DEPARTMENT;
PEMBROKE PINES POLICE DEPARTMENT;
FLORIDA HIGHWAY PATROL

Defendants.

COMPLAINT

Plaintiffs, HUNG V. NGUYEN as Personal Representative of the Estate of FRANK ORDONEZ, as well as CARLOS LARA, by and through undersigned counsel, and in accordance with the Florida Rules of Civil Procedure, hereby sues the MIAMI POLICE DEPARTMENT, FLORIDA HIGHWAY PATROL, MIRAMAR POLICE DEPARTMENT, PEMBROKE PINES POLICE DEPARTMENT, BROWARD SHERIFF'S OFFICE, AND THE DORAL POLICE DEPARTMENT (collectively, the "Defendants"), and as grounds alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of the \$30,000 exclusive of interest, costs, and attorney's fees.

2. The incident giving rise to this Complaint occurred in Broward County, Florida, and therefore venue is proper in this Court.

3. An action on behalf of the Estate of FRANK ORDONEZ is brought pursuant to the Florida Wrongful Death Act; Fla. Stat. § 768.18 et seq.

4. JADE ROSE ORDONEZ and HAILEY NICOLE ORDONEZ are the surviving daughters of FRANK ORDONEZ and statutory survivors of their father, FRANK ORDONEZ, who was shot and killed on December 5, 2019.

5. HUNG V. NGUYEN is the duly appointed, qualified and acting Personal Representative of the Estate of FRANK ORDONEZ.

6. Plaintiffs have complied with the pre-suit notice requirements of Florida Statute § 768.28 and all applicable subparts thereto.

7. All conditions to the bringing of this action have been complied with or waived.

8. On December 5, 2019, FRANK ORDONEZ was working for United Parcel Service in Coral Gables, Florida, when his truck (hereinafter “the truck”) was hijacked by Lamar Alexander and Ronnie Jerome Hill. Inside the UPS truck, FRANK ORDONEZ was taken hostage by Alexander and Hill, as they proceeded to flee the scene of a robbery in Coral Gables. After law enforcement, including the Defendants, became aware of the hostage scenario, a high-speed chase of the truck, with ORDONEZ inside, ensued. While on or near the Miramar Parkway, and surrounded by civilian vehicles, including vehicles occupied by Richard Cutshaw and CARLOS LARA, the truck was confronted by law enforcement. Ultimately, the Defendants:

- a. discharged their firearms upon the truck, and in the close vicinity of occupied civilian vehicles, and/or

- b. supported and aided other Defendants discharging their firearms upon the truck, and in the close vicinity of occupied civilian vehicles, and/or
- c. negligently engaged in the pursuit of the truck, thereby leading to the eventual shootout in the close vicinity of occupied civilian vehicles.

9. As a result of the negligent pursuit of the truck and the resultant shootout, FRANK ORDONEZ was killed.

10. As a result of the negligent pursuit of the truck and the resultant shootout, CARLOS LARA sustained serious injuries.

**COUNT I:
NEGLIGENCE CLAIM BY THE ESTATE OF FRANK ORDONEZ
AGAINST THE MIAMI DADE POLICE DEPARTMENT**

11. Plaintiffs re-allege paragraphs 1 through 10.

12. The MIAMI DADE POLICE DEPARTMENT (hereinafter “MDPD”) is a political subdivision of the STATE OF FLORIDA. MDPD is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

13. On December 5, 2019, MDPD undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. MDPD officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting MDPD policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The MDPD operational mandates did not involve the exercise of any type of quasi-legislative discretion.

14. At all material times, MDPD negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;

- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
 - p. failing to provide specific aid to civilians trapped in the midst of a shootout;
 - q. additional acts of negligence not yet discovered.
15. As result of the Defendant's negligent implementation of its policies, the chances of resolving the hostage scenario, and rescuing FRANK ORDONEZ alive, was eliminated. As a result, FRANK ORDONEZ was shot and killed.
16. As a direct and proximate cause of the negligence of the Defendant, FRANK ORDONEZ suffered severe bodily injury which caused his death, and his Estate and survivors have suffered, and will continue to suffer damages into the future, including as the applicable law may provide:
- a. Past and future mental pain and suffering of JADE ROSE ORDONEZ;
 - b. Past and future mental pain and suffering of HAILEY NICOLE ORDONEZ;
 - c. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to JADE ROSE ORDONEZ;
 - d. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to HAILEY NICOLE ORDONEZ;
 - e. Expenses of medical care and funeral arrangements arising from the injury and death of FRANK ORDONEZ;
 - f. Loss of FRANK ORDONEZ's prospective net accumulations;
 - g. Loss of inheritable estate;
 - h. Any and all other damages as specified in Fla. Stat. § 768.21.

WHEREFORE, the Plaintiff, HUNG V. NGUYEN as Personal Representative of the Estate of FRANK ORDONEZ, demands judgment against the Defendant for damages, interest,

costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT II:
NEGLIGENCE CLAIM BY THE ESTATE OF FRANK ORDONEZ
AGAINST THE DORAL POLICE DEPARTMENT**

17. Plaintiffs re-allege paragraphs 1 through 10.

18. The DORAL POLICE DEPARTMENT (hereinafter “DORAL PD”) is a political subdivision of the STATE OF FLORIDA. DORAL PD is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

19. On December 5, 2019, DORAL PD undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. DORAL PD officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting DORAL PD policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The DORAL PD operational mandates did not involve the exercise of any type of quasi-legislative discretion.

20. At all material times, DORAL PD negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing to negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;

- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;
- q. additional acts of negligence not yet discovered.

21. As result of the Defendant's negligent implementation of its policies, the chances of resolving the hostage scenario, and rescuing FRANK ORDONEZ alive, was eliminated. As a result, FRANK ORDONEZ was shot and killed.

22. As a direct and proximate cause of the negligence of the Defendant, FRANK ORDONEZ suffered severe bodily injury which caused his death, and his Estate and survivors have suffered, and will continue to suffer damages into the future, including as the applicable law may provide:

- a. Past and future mental pain and suffering of JADE ROSE ORDONEZ;
- b. Past and future mental pain and suffering of HAILEY NICOLE ORDONEZ;
- c. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to JADE ROSE ORDONEZ;
- d. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to HAILEY NICOLE ORDONEZ;
- e. Expenses of medical care and funeral arrangements arising from the injury and death of FRANK ORDONEZ;
- f. Loss of FRANK ORDONEZ's prospective net accumulations;
- g. Loss of inheritable estate;
- h. Any and all other damages as specified in Fla. Stat. § 768.21.

WHEREFORE, the Plaintiff, HUNG V. NGUYEN as Personal Representative of the Estate of FRANK ORDONEZ, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT III:
NEGLIGENCE CLAIM BY THE ESTATE OF FRANK ORDONEZ
AGAINST THE BROWARD SHERIFF'S OFFICE**

23. Plaintiffs re-allege paragraphs 1 through 10.

24. The BROWARD SHERIFF'S OFFICE (hereinafter "BSO") is a political subdivision of the STATE OF FLORIDA. BSO is a licensed Florida law enforcement agency with jurisdiction

that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

25. On December 5, 2019, BSO undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. BSO officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting BSO policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The BSO operational mandates did not involve the exercise of any type of quasi-legislative discretion.

26. At all material times, BSO negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing to negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;

- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;
- q. additional acts of negligence not yet discovered.

27. As result of the Defendant's negligent implementation of its policies, the chances of resolving the hostage scenario, and rescuing FRANK ORDONEZ alive, was eliminated. As a result, FRANK ORDONEZ was shot and killed.

28. As a direct and proximate cause of the negligence of the Defendant, FRANK ORDONEZ suffered severe bodily injury which caused his death, and his Estate and survivors have suffered, and will continue to suffer damages into the future, including as the applicable law may provide:

- a. Past and future mental pain and suffering of JADE ROSE ORDONEZ;
- b. Past and future mental pain and suffering of HAILEY NICOLE ORDONEZ;

- c. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to JADE ROSE ORDONEZ;
- d. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to HAILEY NICOLE ORDONEZ;
- e. Expenses of medical care and funeral arrangements arising from the injury and death of FRANK ORDONEZ;
- f. Loss of FRANK ORDONEZ's prospective net accumulations;
- g. Loss of inheritable estate;
- h. Any and all other damages as specified in Fla. Stat. § 768.21.

WHEREFORE, the Plaintiff, HUNG V. NGUYEN as Personal Representative of the Estate of FRANK ORDONEZ, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT IV:
NEGLIGENCE CLAIM BY THE ESTATE OF FRANK ORDONEZ
AGAINST THE MIRAMAR POLICE DEPARTMENT**

29. Plaintiffs re-allege paragraphs 1 through 10.

30. The MIRAMAR POLICE DEPARTMENT (hereinafter "MIRAMAR PD") is a political subdivision of the STATE OF FLORIDA. MIRAMAR PD is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

31. On December 5, 2019, MIRAMAR PD undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. MIRAMAR PD officers were performing an operational-level function during their pursuit of the truck, which involved the activation of

preexisting MIRAMAR PD policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The MIRAMAR PD operational mandates did not involve the exercise of any type of quasi-legislative discretion.

32. At all material times, MIRAMAR PD negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing to negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;

- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
 - n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
 - o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
 - p. failing to provide specific aid to civilians trapped in the midst of a shootout;
 - q. additional acts of negligence not yet discovered.
33. As result of the Defendant's negligent implementation of its policies, the chances of resolving the hostage scenario, and rescuing FRANK ORDONEZ alive. As a result, FRANK ORDONEZ was shot and killed.
34. As a direct and proximate cause of the negligence of the Defendant, FRANK ORDONEZ suffered severe bodily injury which caused his death, and his Estate and survivors have suffered, and will continue to suffer damages into the future, including as the applicable law may provide:
- a. Past and future mental pain and suffering of JADE ROSE ORDONEZ;
 - b. Past and future mental pain and suffering of HAILEY NICOLE ORDONEZ;
 - c. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to JADE ROSE ORDONEZ;
 - d. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to HAILEY NICOLE ORDONEZ;
 - e. Expenses of medical care and funeral arrangements arising from the injury and death of FRANK ORDONEZ;
 - f. Loss of FRANK ORDONEZ's prospective net accumulations;

- g. Loss of inheritable estate;
- h. Any and all other damages as specified in Fla. Stat. § 768.21.

WHEREFORE, the Plaintiff, HUNG V. NGUYEN as Personal Representative of the Estate of FRANK ORDONEZ, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT V:
NEGLIGENCE CLAIM BY THE ESTATE OF FRANK ORDONEZ
AGAINST THE PEMBROKE PINES POLICE DEPARTMENT**

35. Plaintiffs re-allege paragraphs 1 through 10.
36. The PEMBROKE PINES POLICE DEPARTMENT (hereinafter “PEMBROKE PINES PD”) is a political subdivision of the STATE OF FLORIDA. PEMBROKE PINES PD is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.
37. On December 5, 2019, PEMBROKE PINES PD undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. PEMBROKE PINES PD officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting PEMBROKE PINES PD policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The PEMBROKE PINES PD operational mandates did not involve the exercise of any type of quasi-legislative discretion.
38. At all material times, PEMBROKE PINES PD negligently implemented its policies and procedures by one, or all of the following ways:
- a. failing to stop the truck in an area that was not populated by civilians;
 - b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;

- c. failing to evacuate the Miramar Parkway;
- d. failing negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;

q. additional acts of negligence not yet discovered.

39. As result of the Defendant's negligent implementation of its policies, the chances of resolving the hostage scenario, and rescuing FRANK ORDONEZ alive, was eliminated. As a result, FRANK ORDONEZ was shot and killed.

40. As a direct and proximate cause of the negligence of the Defendant, FRANK ORDONEZ suffered severe bodily injury which caused his death, and his Estate and survivors have suffered, and will continue to suffer damages into the future, including as the applicable law may provide:

- a. Past and future mental pain and suffering of JADE ROSE ORDONEZ;
- b. Past and future mental pain and suffering of HAILEY NICOLE ORDONEZ;
- c. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to JADE ROSE ORDONEZ;
- d. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to HAILEY NICOLE ORDONEZ;
- e. Expenses of medical care and funeral arrangements arising from the injury and death of FRANK ORDONEZ;
- f. Loss of FRANK ORDONEZ's prospective net accumulations;
- g. Loss of inheritable estate;
- h. Any and all other damages as specified in Fla. Stat. § 768.21.

WHEREFORE, the Plaintiff, HUNG V. NGUYEN as Personal Representative of the Estate of FRANK ORDONEZ, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT VI:
NEGLIGENCE CLAIM BY THE ESTATE OF FRANK ORDONEZ
AGAINST THE FLORIDA HIGHWAY PATROL**

41. Plaintiffs re-allege paragraphs 1 through 10.

42. The FLORIDA HIGHWAY PATROL (hereinafter “FHP”) is a political subdivision of the STATE OF FLORIDA. FHP is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

43. On December 5, 2019, FHP undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. FHP officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting FHP policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The FHP operational mandates did not involve the exercise of any type of quasi-legislative discretion.

44. At all material times, FHP negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing to negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;

- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;
- q. additional acts of negligence not yet discovered.

45. As result of the Defendant's negligent implementation of its policies, the chances of resolving the hostage scenario, and rescuing FRANK ORDONEZ alive, was eliminated. As a result, FRANK ORDONEZ was shot and killed.

46. As a direct and proximate cause of the negligence of the Defendant, FRANK ORDONEZ suffered severe bodily injury which caused his death, and his Estate and survivors have suffered, and will continue to suffer damages into the future, including as the applicable law may provide:

- a. Past and future mental pain and suffering of JADE ROSE ORDONEZ;
- b. Past and future mental pain and suffering of HAILEY NICOLE ORDONEZ;
- c. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to JADE ROSE ORDONEZ;
- d. The past and future loss of FRANK ORDONEZ's support and services from the date of his death to HAILEY NICOLE ORDONEZ;
- e. Expenses of medical care and funeral arrangements arising from the injury and death of FRANK ORDONEZ;
- f. Loss of FRANK ORDONEZ's prospective net accumulations;
- g. Loss of inheritable estate;
- h. Any and all other damages as specified in Fla. Stat. § 768.21.

WHEREFORE, the Plaintiff, HUNG V. NGUYEN as Personal Representative of the Estate of FRANK ORDONEZ, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT VII:
NEGLIGENCE CLAIM BY CARLOS LARA
AGAINST THE MIAMI DADE POLICE DEPARTMENT**

47. Plaintiffs re-allege paragraphs 1 through 10.

48. The MIAMI DADE POLICE DEPARTMENT (hereinafter "MDPD") is a political subdivision of the STATE OF FLORIDA. MDPD is a licensed Florida law enforcement agency

with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

49. On December 5, 2019, MDPD undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. MDPD officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting MDPD policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The MDPD operational mandates did not involve the exercise of any type of quasi-legislative discretion.

50. At all material times, MDPD negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing to negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;

- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;
- q. additional acts of negligence not yet discovered.

51. As result of the Defendant's negligent implementation of its policies, innocent civilians, including CARLO LARA, were placed in the middle of a shootout, and used by the Defendants as a blockade and shield for incoming gunfire. As a result, CARLOS LARA's vehicle was shot, and he was injured while trying to avoid incoming gunfire.

52. As a direct and proximate cause of the negligence of the Defendant, CARLOS LARA suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, aggravation of a preexisting condition(s), loss of the capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are

either permanent or continuing in nature, and the Plaintiff, CARLOS LARA, will suffer these losses in the future.

WHEREFORE, the Plaintiff, CARLOS LARA, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT VIII:
NEGLIGENCE CLAIM BY CARLOS LARA
AGAINST THE DORAL POLICE DEPARTMENT**

53. Plaintiffs re-allege paragraphs 1 through 10.

54. The DORAL PD is a political subdivision of the STATE OF FLORIDA. DORAL PD is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

55. On December 5, 2019, DORAL PD undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. DORAL PD officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting DORAL PD policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The DORAL PD operational mandates did not involve the exercise of any type of quasi-legislative discretion.

- a. At all material times, DORAL PD negligently implemented its policies and procedures by one, or all of failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing negotiate with the robbers, in an effort to avoid the use of force;

- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;
- q. additional acts of negligence not yet discovered.

56. As result of the Defendant's negligent implementation of its policies, innocent civilians, including CARLO LARA, were placed in the middle of a shootout, and used by the Defendants as a blockade and shield for incoming gunfire. As a result, CARLOS LARA's vehicle was shot, and he was injured while trying to avoid incoming gunfire.

57. As a direct and proximate cause of the negligence of the Defendant, CARLOS LARA suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, aggravation of a preexisting condition(s), loss of the capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff, CARLOS LARA, will suffer these losses in the future.

WHEREFORE, the Plaintiff, CARLOS LARA, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT IX:
NEGLIGENCE CLAIM BY CARLOS LARA
AGAINST THE BROWARD SHERIFF'S OFFICE**

58. Plaintiffs re-allege paragraphs 1 through 10.

59. BSO is a political subdivision of the STATE OF FLORIDA. BSO is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

60. On December 5, 2019, BSO undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. BSO officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting BSO policy

regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. BSO operational mandates did not involve the exercise of any type of quasi-legislative discretion.

61. At all material times, BSO negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing to negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;

- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;
- q. additional acts of negligence not yet discovered.

62. As result of the Defendant's negligent implementation of its policies, innocent civilians, including CARLO LARA, were placed in the middle of a shootout, and used by the Defendants as a blockade and shield for incoming gunfire. As a result, CARLOS LARA's vehicle was shot, and he was injured while trying to avoid incoming gunfire.

63. As a direct and proximate cause of the negligence of the Defendant, CARLOS LARA suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, aggravation of a preexisting condition(s), loss of the capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff, CARLOS LARA, will suffer these losses in the future.

WHEREFORE, the Plaintiff, CARLOS LARA, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT X:
NEGLIGENCE CLAIM BY CARLOS LARA
AGAINST THE MIRAMAR POLICE DEPARTMENT**

64. Plaintiffs re-allege paragraphs 1 through 10.

65. The MIRAMAR PD is a political subdivision of the STATE OF FLORIDA. MIRAMAR PD is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

66. On December 5, 2019, MIRAMAR PD undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. MIRAMAR PD officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting MIRAMAR PD policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The MIRAMAR PD operational mandates did not involve the exercise of any type of quasi-legislative discretion.

67. At all material times, MIRAMAR PD negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing to negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;

- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;
- q. additional acts of negligence not yet discovered.

68. As result of the Defendant's negligent implementation of its policies, innocent civilians, including CARLO LARA, were placed in the middle of a shootout, and used by the Defendants as a blockade and shield for incoming gunfire. As a result, CARLOS LARA's vehicle was shot, and he was injured while trying to avoid incoming gunfire.

69. As a direct and proximate cause of the negligence of the Defendant, CARLOS LARA suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, aggravation of a preexisting condition(s), loss of the capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff, CARLOS LARA, will suffer these losses in the future.

WHEREFORE, the Plaintiff, CARLOS LARA, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT XI:
NEGLIGENCE CLAIM BY CARLOS LARA
AGAINST THE PEMBROKE PINES POLICE DEPARTMENT**

70. Plaintiffs re-allege paragraphs 1 through 10.

71. The PEMBROKE PINES PD is a political subdivision of the STATE OF FLORIDA. PEMBROKE PINES PD is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

72. On December 5, 2019, PEMBROKE PINES PD undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. PEMBROKE PINES PD officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting PEMBROKE PINES PD policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. The PEMBROKE PINES PD operational mandates did not involve the exercise of any type of quasi-legislative discretion.

73. At all material times, PEMBROKE PINES PD negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;
- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;

- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;
- q. additional acts of negligence not yet discovered.

74. As result of the Defendant's negligent implementation of its policies, innocent civilians, including CARLO LARA, were placed in the middle of a shootout, and used by the Defendants as a blockade and shield for incoming gunfire. As a result, CARLOS LARA's vehicle was shot, and he was physically injured while trying to avoid incoming gunfire.

75. As a direct and proximate cause of the negligence of the Defendant, CARLOS LARA suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, aggravation of a preexisting condition(s), loss of the capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff, CARLOS LARA, will suffer these losses in the future.

WHEREFORE, the Plaintiff, CARLOS LARA, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

**COUNT XII:
NEGLIGENCE CLAIM BY CARLOS LARA
AGAINST THE FLORIDA HIGHWAY PATROL**

76. Plaintiffs re-allege paragraphs 1 through 10.

77. FHP is a political subdivision of the STATE OF FLORIDA. FHP is a licensed Florida law enforcement agency with jurisdiction that includes areas that the truck drove through during its flight from a robbery in Coral Gables, Florida.

78. On December 5, 2019, FHP undertook to respond to the hijacked truck and hostage situation involving FRANK ORDONEZ. FHP officers were performing an operational-level function during their pursuit of the truck, which involved the activation of preexisting FHP policy regarding vehicle pursuits and/or hostage situations and/or scenarios involving armed suspects. FHP operational mandates did not involve the exercise of any type of quasi-legislative discretion.

79. At all material times, FHP negligently implemented its policies and procedures by one, or all of the following ways:

- a. failing to stop the truck in an area that was not populated by civilians;
- b. failing to corral, direct, or otherwise lead the truck away from civilian traffic;
- c. failing to evacuate the Miramar Parkway;
- d. failing to negotiate with the robbers, in an effort to avoid the use of force;
- e. failing to communicate with other law enforcement agencies in order to develop and execute a collaborative means of addressing the hostage scenario;
- f. failing to allow civilian traffic on the Miramar Parkway from continuing to drive, thereby isolating the truck;
- g. incorrectly creating a blockage on the Miramar Parkway, causing the truck to be stopped among civilian vehicles;
- h. failing to follow standard police procedures and practices for conducting a vehicular pursuit;
- i. incorrectly discharging firearms upon the truck, knowing that civilian cars were around;
- j. failing to respond reasonably to gunfire, given that FRANK ORDONEZ was still alive;

- k. failing to identify, and specifically locate a target before discharging a firearm;
- l. failing to keep distance from the truck in order to decrease tensions;
- m. allowing tactics to be implemented that resulted in the escalation of a potentially volatile situation;
- n. failing to intervene while officers were aware that fellow law enforcement officers were acting unreasonably;
- o. dangerously using vehicles occupied by civilians as shield and/or barricades during a shootout;
- p. failing to provide specific aid to civilians trapped in the midst of a shootout;
- q. additional acts of negligence not yet discovered.

80. As result of the Defendant's negligent implementation of its policies, innocent civilians, including CARLO LARA, were placed in the middle of a shootout, and used by the Defendants as a blockade and shield for incoming gunfire. As a result, CARLOS LARA's vehicle was shot, and he was physically injured while trying to avoid incoming gunfire.

81. As a direct and proximate cause of the negligence of the Defendant, CARLOS LARA suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, aggravation of a preexisting condition(s), loss of the capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff, CARLOS LARA, will suffer these losses in the future.

WHEREFORE, the Plaintiff, CARLOS LARA, demands judgment against the Defendant for damages, interest, costs and any further relief to which the Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by jury.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues triable as a right by jury.

DATED THIS 14th day of September, 2020.

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