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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Maria Munoz, on her own behalf as
statutory plaintiff for wrongful death, on
behalf of the statutory beneficiaries, and
on behalf of the Estate of Christopher
Phillips;

Plaintiff,

v.

The City of Phoenix, a municipal
corporation; William Rodriguez Gallardo
and Jane Doe Rodriguez Gallardo,
husband and wife, and Does 1-20,

Defendants.

No.

COMPLAINT

(Excessive Force; Wrongful Death)

Introduction

1. On January 17, 2025, under color of state law, Phoenix Police Officer William Rodriguez Gallardo (“Defendant Rodriguez Gallardo”) shot and killed Christopher Phillips (“Christopher”).

2. Defendant Rodriguez Gallardo was reporting to a call for suspected trespassing at a property Christopher was living at.

3. Christopher ran away from the scene when officers arrived along with several other subjects who were also at the property.

1 4. Defendant Rodriguez Gallardo proceeded to follow Christopher in his patrol
2 car.

3 5. Defendant Rodriguez Gallardo shot Christopher in the back as Christopher
4 was running away and killed him.

5 6. Christopher posed no threat to officers when he was shot and killed from
6 behind.

7 7. Christopher posed no reasonable threat of imminent risk of death or
8 significant harm to anyone else.

9 8. The Fourth Amendment to the United States Constitution protects citizens
10 against unreasonable seizure by agents of the United States.

11 9. The United States Supreme Court has ruled that police officers may use
12 deadly force against fleeing suspects only if the suspects pose a significant risk of death
13 or significant bodily harm to the officer or to others. *Tennessee v. Garner*, 471 U.S. 1
14 (1985).

15 10. By shooting, and killing, Christopher in the back at a great distance while
16 Christopher was fleeing, Defendant Rodriguez Gallardo violated Christopher's Fourth
17 Amendment rights.

18 11. This action is brought against Defendant Rodriguez Gallardo for violating
19 Christopher's federal constitutional rights against unreasonable seizure of his person and
20 against unreasonable force. This action also is brought against Defendant Rodriguez
21 Gallardo for negligence, gross negligence, and wrongful death. Maria seeks
22 compensatory and punitive damages against Defendant Rodriguez Gallardo.

23 12. This action is also brought against the City of Phoenix and its Police
24 Department and its other agents and employees, for independent negligence and gross
25 negligence in training Defendant Rodriguez Gallardo. Maria seeks compensatory
26 damages against the City of Phoenix, and an order that the City of Phoenix is vicariously
liable for the negligent and intentional acts and omissions of Defendant Rodriguez

1 Gallardo, and the compensatory and punitive damages to be awarded against Defendant
2 Rodriguez Gallardo.

3 **Parties, Jurisdiction, and Venue**

4 13. At all material times herein, all Defendants were residents of Maricopa
5 County, Arizona.

6 14. Defendant City of Phoenix is a municipal corporation located in Maricopa
7 County, Arizona, which operates and is responsible for its Police Department.

8 15. Venue and jurisdiction are proper in this Court as substantial acts and
9 omissions giving rise to the claims occurred in Maricopa County, Arizona.

10 16. This Court has concurrent jurisdiction over the federal constitutional claims
11 in this matter pursuant to 42 U.S.C. § 1983.

12 17. This Court has supplemental jurisdiction over the state law tort claims. 28
13 U.S.C. § 1367.

14 18. Maria is a statutory beneficiary pursuant to A.R.S. § 12-611, *et seq.*

15 19. Maria served a “Notice of Claim” pursuant to A.R.S. § 12-821.01 on July
16 10, 2025, a copy of which is attached hereto as Exhibit A and incorporated herein by
17 reference.

18 20. Maria properly complied with all aspects of A.R.S. § 12-821.01.

19 21. The other statutory beneficiaries are his three minor children who are (13,
20 8, and 7) and Christopher’s biological father, whose current whereabouts are unknown.

21 22. Maria also brings this claim on behalf of the Estate of Christopher Phillips,
22 seeking recovery of general and special damages for the Estate. *Andrich v. Kostas*, 470
23 F.Supp.3d 1048 (D.Ariz.2020).

24 23. The Phillips Estate is entitled to recover, among other damages, the general
25 and special damages Christopher suffered, along with punitive damages.

26 24. All married defendants acted for and on behalf of the marital communities
to which they belong. Accordingly, those marital communities are vicariously liable for

1 the acts and omissions the married Defendants as alleged herein.

2 25. At all times relevant hereto, all named and unnamed Defendants, including
3 Defendant Rodriguez Gallardo, acted under color of state law.

4 26. Plaintiff hereby demands a trial by jury in this matter.

5 **Allegations Common to All Causes of Action**

6 27. When Defendant Rodriguez Gallardo encountered Christopher, he was
7 fleeing for suspected trespassing.

8 28. Defendant Rodriguez Gallardo's shot killed a trespassing suspect who was
9 fleeing from the scene.

10 29. Defendant Rodriguez Gallardo shot Christopher in the back and killed him.

11 **COUNT ONE**

12 **Battery and Wrongful Death**

13 **(Against Defendant Rodriguez Gallardo and
14 vicarious liability against City of Phoenix)**

15 30. Maria realleges and incorporates by reference all previous allegations.

16 31. By shooting Christopher in the back and killing him, as he was fleeing for
17 an alleged trespassing, Defendant Rodriguez Gallardo committed the tort of battery.

18 32. Christopher did nothing to warrant being shot in the back and killed.

19 33. As a result of Defendant Rodriguez Gallardo's battery, Christopher was
20 killed, and Maria has suffered damages.

21 34. The Defendant City of Phoenix is vicariously liable for Defendant
22 Rodriguez Gallardo's acts and/or omissions, as he was in the course and scope of his duties
23 as a police officer, as set forth herein and in such other ways as may be discovered during
24 litigation.

25 35. Defendant Rodriguez Gallardo's actions have caused, and continue to cause,
26 damages to Maria.

36. Maria is entitled to damages pursuant to A.R.S. § 12-611, *et seq.*

COUNT TWO
Unreasonable Use of Force—4th Amendment
42 U.S.C. § 1983
(Against Defendant Rodriguez Gallardo)

37. Maria realleges and incorporates by reference all previous allegations.

38. The 4th Amendment to the United States Constitution protects citizens against the unreasonable use of force. *Scott v. Harris*, 550 U.S. 372 (2007).

39. In *Tennessee v. Garner*, 471 U.S. 1 (1985), the United States Supreme Court declared that police officers cannot use deadly force against a fleeing suspect unless the fleeing suspect is about to cause death or serious bodily harm to others.

40. The foregoing law was well-established long before Defendant Rodriguez Gallardo encountered Christopher.

41. At the time Defendant Rodriguez Gallardo began firing his weapon, Christopher was a trespassing suspect fleeing.

42. When Christopher was shot in the back and killed, Defendant Rodriguez Gallardo had no clue whether Christopher posed a threat of death or significant bodily harm to others.

43. When Christopher was shot in the back and killed, he did not pose a threat of death or significant bodily harm to others.

44. Defendant Rodriguez Gallardo made no effort – other than the use of lethal force – to detain Christopher after he fled.

45. Defendant Rodriguez Gallardo gave no warning to Christopher that he was going to fire his service weapon.

46. As a result of Defendant Rodriguez Gallardo's conduct as alleged herein, Christopher was killed, and Maria has suffered damages.

47. The Phillips Estate is further entitled to general damages for the fear, anxiety, and mental anguish suffered by Christopher as Gallardo was shooting at him while he was fleeing. *Andrich v. Kostas*, 470 F.Supp.3d 1048 (D.Ariz.2020).

48. Defendant Rodriguez Gallardo's acts were willful, wanton, malicious, and oppressive, thereby justifying an award to the Phillips Estate of exemplary and punitive damages to punish the wrongful conduct alleged herein and to deter such conduct in the future. *Morgan v. Woessner*, 997 F.2d 1244,1245 (9th Cir. 1993) and *Rawlings v. Apodaca*, 151 Ariz. 149, 726 P.2d 565 (1986).

COUNT THREE
Loss of Family Relationship—14th Amendment
42 U.S.C. § 1983
(Against Defendant Rodriguez Gallardo)

49. Maria realleges and incorporates by reference all previous allegations.

50. The 14th Amendment to the United States Constitution prohibits state actors from interfering with familial relationships, including mother and son.

51. By his conduct as alleged herein—killing Christopher by excessive force—Officer Gallardo has forever stopped Maria's and Christopher's mother/son relationship.

52. Defendant Rodriguez Gallardo's conduct as alleged herein constitutes an unreasonable interference with Maria's 14th Amendment rights.

53. As a result of Defendant Rodriguez Gallardo's conduct, Maria has suffered damages.

54. Defendant Rodriguez Gallardo claims to have seen Christopher with a gun long before Christopher began to run away.

55. Defendant Rodriguez Gallardo's acts furthered no legitimate law enforcement goal.

56. Defendant Rodriguez Gallardo's acts evidence a purpose to harm Christopher unrelated to law enforcement.

57. Defendant Rodriguez Gallardo had sufficient time to reflect on his actions – especially with Christopher posing no threat to anyone – such that his actions demonstrate a deliberate indifference to the Plaintiffs' 14th Amendment constitutional rights.

58. Defendant Rodriguez Gallardo's acts were willful, wanton, malicious, and oppressive, thereby justifying an award to Maria of exemplary and punitive damages to punish the wrongful conduct alleged herein and to deter such conduct in the future. *Morgan v. Woessner*, 997 F.2d 1244,1245 (9th Cir. 1993).

PRAYER FOR RELIEF

WHEREFORE, Maria prays for relief against all named and unnamed Defendants as follows:

- A. For all damages recoverable pursuant to A.R.S. § 12-611, *et seq.*;
- B. For general damages to Maria against each Defendant, jointly and severally, for her emotional pain, distress, hardship, suffering, shock, worry, anxiety, sleeplessness, and suffering for the loss of her son, Christopher;
- C. For general damages to Maria for her loss of familial relations with her son;
- D. For damages due to the Estate of Christopher Phillips, including pain and suffering, pursuant to 42 U.S.C. § 1983;
- E. For punitive and exemplary damages against the individual Defendants, to be applied and paid jointly and severally, in amounts appropriate to adequately punish them and deter others from engaging in similar misconduct;
- F. For prejudgment interest;
- G. For costs and reasonable attorneys' fees pursuant to 42 U.S.C. §§ 1983 and 1988 and as otherwise authorized by any other statute or law; and
- H. For such other relief as the Court may deem proper.

DATED this 23rd day of October, 2025.

KELLY & LYONS, PLLC

/s/Jason M. Kelly
Jason M. Kelly
Richard D. Lyons
Anoop Bhatheja
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2025, I electronically transmitted the attached document to the Clerk's Office using CM/ECF System for filing.

By: /s/Karli Spires