

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

JURY TRIAL DEMANDED

MELBA MORALES, AS ADMINISTRATRIX  
OF THE ESTATE OF ANGEL MORALES,  
DECEASED,

CASE NO: 0:24-cv-61301

Plaintiff,

vs.

CITY OF MIAMI, CITY OF MIAMI POLICE  
OFFICER LUIS QUESEDA, INDIVIDUALLY  
AND AS A POLICE OFFICER FOR THE CITY OF  
MIAMI POLICE DEPARTMENT, AND CITY OF  
MIAMI POLICE OFFICER CHRISTIAN RAMIREZ,  
INDIVIDUALLY AND AS A POLICE OFFICER  
FOR THE CITY OF MIAMI POLICE DEPARTMENT,

Defendant.

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**COMPLAINT**

Plaintiff Melba Morales (“Morales”), as administratrix of the Estate of Angel Morales (“Angel”), deceased, by and through their undersigned attorney, assert the following complaint against, Defendants, City of Miami, Officer Luis Queseda, individually and as a police officer for the City of Miami Police Department (“Queseda”), and Officer Christian Ramirez, individually and as a police officer for the City of Miami Police Department (“Ramirez”), and the City of Miami and in support thereof, aver as follows:

**PARTIES**

1. Plaintiff Melba Morales, as administratrix of the Estate of Angel Morales, is and was at all time material hereto a resident of Miami-Dade County, Florida.

2. Defendant, City of Miami, is a Municipality of the State of Florida and a governmental authority that owns, operates, manages, directs and controls the City of Miami Police Department, which employed police officers, including Officers Queseda and Ramirez.
3. Defendant Officer Luis Queseda was, at all times relevant to this action, an officer of the City of Miami Police Department. He is being sued both in his individual capacity and as a police officer for the City of Miami.
4. Defendant Officer Christian Ramirez was, at all times relevant to this action, an officer of the City of Miami Police Department. He is being sued both in his individual capacity and as a police officer for the City of Miami.

#### **JURISDICTION AND VENUE**

5. This action is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343. Plaintiff further invokes the supplemental jurisdiction under 28 U.S.C. § 1367(a) to hear and decide claims under state law.
6. Venue is proper in this district under 28 U.S.C. 1391(b) because the events giving rise to the claims asserted in this Complaint occurred in this judicial district.

#### **FACTUAL ALLEGATIONS**

#### **A ROUTINE MORNING DELIVERY TURNS FATAL WHEN IT IS INTERRUPTED BY THE UNLAWFUL HIGH-SPEED PURSUIT OF THE POLICE OFFICER DEFENDANT.**

7. On March 31, 2023, Angel (age 64), was driving his delivery truck for COD Supplies, the company he worked at for many years. The truck Angel was driving was a large box truck. Shortly before noon, Angel was traveling eastbound on NW 28<sup>th</sup> Street approaching NW 25<sup>th</sup> Avenue in a residential neighborhood.
8. At the intersection of NW 28<sup>th</sup> Street and NW 25<sup>th</sup> Avenue, the eastbound and westbound lanes (NW 28<sup>th</sup> Street) do not have a traffic control device; however, there is a stop sign

for the northbound and southbound lanes (NW 25<sup>th</sup> Avenue), and NW 25<sup>th</sup> Avenue has a speed limit of 25 m.p.h.

9. As Angel entered the intersection at NW 28<sup>th</sup> Street and NW 25<sup>th</sup> Avenue, he was involved in a fatal crash caused by a police vehicle being driven by Officer Queseda, who was allegedly in a high-speed chase at the time of the crash with an unidentified truck for alleged traffic offenses. Officer Queseda was in an unmarked vehicle without emergency police lights on the top and was engaged in an improper and dangerous high-speed pursuit at the time of the crash.
10. Officer Queseda ran the stop sign while traveling southbound on NW 25<sup>th</sup> Avenue well in excess of the speed limit and without a siren. He allegedly had his dashboard lights activated. However, Danell Reyes, a witness, who was on her porch, disputes the lights were on and did not see any vehicle that Officer Queseda was allegedly pursuing. It is agreed by all known witnesses that Officer Queseda did not have his siren activated at the time or any time prior to the crash.
11. Officer Ramirez was seated in the passenger seat of the unmarked vehicle being driven by Officer Queseda and did not activate the emergency lights or stop Officer Queseda from engaging in an unauthorized and improper pursuit.
12. When Officer Queseda entered the intersection of NW 25<sup>th</sup> Avenue and NW 28<sup>th</sup> Street, he did not stop or slow down for the stop sign to make sure the coast was clear nor did he have his siren activated to warn other drivers, such as Angel, of the need to stop for an emergency vehicle. He struck Angel's truck with such force that it caused the box truck to spin 180 degrees and flip onto its side. The crash caused Angel to suffer blunt force trauma causing his death.

**THE POLICE OFFICER DEFENDANTS UNLAWFULLY PURSUED AN ALLEGED TRUCK OVER ALLEGED TRAFFIC OFFENSES**

13. On March 31, 2023, at approximately 11:55 a.m., Officer Queseda and his partner Officer Ramirez were on patrol in an unmarked vehicle in the area of NW 25<sup>th</sup> Avenue, in Miami, Florida.
14. Officer Queseda was the driver of an unmarked police Ford Taurus that did not have an emergency light bar on the top when he allegedly attempted to pull over a black truck for unknown traffic violations.
15. The black truck allegedly took off and Officer Queseda initiated an improper high-speed pursuit of the unidentified black truck for unknown traffic offenses in a residential neighborhood.
16. Officer Ramirez did not follow proper protocol by not stopping Officer Queseda from engaging in an improper and dangerous pursuit and did not turn on his body camera as required.
17. At the time the pursuit was initiated, the officers did not know the identity of the driver and the only information and belief the officers had at the time they initiated the improper high-speed pursuit was that the driver of the black truck had committed traffic offenses.
18. As the pursuit continued, the officers allegedly witnessed the black truck run a stop sign and they continued pursuing the vehicle at speeds approaching or in excess of three times the authorized speed limit.
19. Rather than terminate the pursuit, in conscious disregard of a great risk of harm during the course of the improper pursuit, and contrary to multiple vehicle pursuit policies that were promulgated by the City of Miami Police Department, the police officers continued

to pursue the black truck at a high rate of speed down NW 25<sup>th</sup> Avenue in a residential area with a speed limit of 25 m.p.h.

20. The pursuit ended abruptly when the police Ford Taurus driven by Officer Queseda ran the stop sign at NW 25<sup>th</sup> Avenue and crashed into Angel's box truck with such force that the box truck spun 180 degrees and flipped onto its side.

21. Angel was pronounced dead at the scene and the Miami Police Department never informed his next of kin that he had died. Melba Morales discovered his death from the company he works for who was called by the witness Danell Reyes.

#### **VEHICLE PURSUITS IN THE CITY OF MAIMI**

22. In Florida, Fla. Stat. 768.28(9)(d) states:

(d) The employing agency of a law enforcement officer as defined in s. 943.10 is not liable for injury, death, or property damage effected or caused by a person fleeing from a law enforcement officer in a motor vehicle if:

1. The pursuit is conducted in a manner that does not involve conduct by the officer which is so reckless or wanting in care as to constitute disregard of human life, human rights, safety, or the property of another;

2. At the time the law enforcement officer initiates the pursuit, the officer reasonably believes that the person fleeing has committed a forcible felony as defined in s. 776.08; and

3. The pursuit is conducted by the officer pursuant to a written policy governing high-speed pursuit adopted by the employing agency. The policy must contain specific procedures concerning the proper method to initiate and terminate high-speed pursuit. The law enforcement officer must have received instructional training from the employing agency on the written policy governing high-speed pursuit.

23. The Miami Police Department has Departmental Orders that were in effect on March 31, 2023, at the time of the crash, that control how and when pursuits can be used.

24. Miami Police Department Departmental Order 11, Chapter 7, titled, Vehicle Pursuit Driving and Police Vehicle Operation Policy, governs how officers are to conduct vehicle pursuits and states:

**7.1 Policy:** It is the policy of the Miami Police Department to operate all vehicles in a safe and prudent manner and to **only pursue fleeing violent felony offenders** in conformance to our ethical and legal obligation to the citizens of the City of Miami. In the interest of public safety, it is the Department's position that the apprehension of traffic law violators, misdemeanants, and nonviolent felony offenders are of lesser importance than the well being of our officers and the general public. **All pursuits, other than violent felony offenders, are prohibited.**

**7.3.1.1 Vehicle Pursuit:** A suspect's driving behavior, which did not exist prior to the pursuit shall not be used as grounds to justify continuing a pursuit.

**7.3.1.2 Violent Felony:** A felony resulting in serious bodily injury or the threat of serious physical injury to another person. Such crimes include murder, manslaughter, sexual battery, kidnapping, robbery, aggravated battery, aggravated assault, carjacking, home invasion robbery; unlawful throwing, placing, or discharging of a destructive device or bomb, or any other felony which involves the use or threat of physical force or violence against any individual.

**7.3.1.5 Emergency Equipment:** Vehicles authorized to engage in a pursuit **must be properly equipped with, and use, the following audible and emergency signal devices: Siren, roof mounted permanently installed overhead emergency lights and headlights with high beams on – day or night.**

25. The purpose of the statute and the Departmental Order is for the safety of the officers and innocent bystanders on the road. Between 1996 and 2015 Florida ranked fifth highest in the nation in bystander deaths due to police pursuits.<sup>1</sup>

#### **MIAMI POLICE DEPARTMENT FAILED TO ENFORCE PROPER VEHICLE PURSUIT POLICIES**

26. The Miami Police Department consistently engages in vehicle pursuits that are contrary to the department policies.

27. These policies are in place to protect the officers as well as the public and the City of Miami Police Department should be enforcing Chapter 7 of Departmental Order 11, which they have failed to do on multiple prior occasions, allowing these dangerous

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<sup>1</sup> National Highway Traffic Safety Administration, Fatality Analysis Reporting System, 1996–2015

pursuits to continue with little or no consequences and allowing their officers to engage in vehicle pursuits for nonviolent and traffic offenses as they have in this matter.

28. Officer Queseda, has a history of not using his body worn camera when he is supposed to as well as making up a violent felony to engage in a vehicle pursuit.

29. In 2019, Officer Queseda violated the Departmental Order Chapter 7 by engaging in a pursuit in another traffic incident where he advised he engaged in the pursuit because the person fleeing had committed felony battery on a police officer. However, when the body worn camera was reviewed, it showed that no battery of a law enforcement officer took place.

30. The 2019, incident lasted about two minutes and fifteen seconds and also resulted in a crash; luckily there were only minor injuries to the driver of the fleeing vehicle.

31. Even now that Officer Queseda has violated the same Departmental Order for a second time, resulting in the death of a bystander, he has not been terminated from his position.

32. The City of Miami Police Department has had other officers violate the Chapter 7 of the Departmental Order with little to no consequence and, as such, has not deterred officers from engaging in pursuits in violation of the departmental order.

**THE POLICE OFFICERS IN THIS CASE VIOLATED ESTALISHED MODEL  
VEHICLE PURSUIT POLICIES**

33. Alternatively, as set forth herein, the Police Officer Defendants intentionally, willfully, recklessly, and/or negligently failed to adhere top the policies and guidelines established by the City of Miami and the Miami Police Department.

34. The Police Officer Defendants had no reason to believe that their decision to pursue an unidentified truck for mere traffic offenses was necessary to prevent the death or serious

bodily injury of another person, or for a violent offense, as is required by the City of Miami and Florida Law.

35. The Police Officer Defendants also did not have probable cause to believe that the driver of the unidentified truck had committed or attempted to commit a forcible felony or that he had possessed a deadly weapon other than the vehicle itself.

36. As alleged above, upon information and belief, the Police Officer Defendants did not know the identity of the driver of the unidentified truck at the time of their traffic stop and pursuit. Also, upon information and belief, at the time of the traffic stop and subsequent improper pursuit, the Police Officer Defendants were only aware that the driver of the unidentified truck had committed alleged traffic offenses.

37. As a result of the Police Officer Defendants' improper pursuit, Angel tragically lost his life.

### **COUNT I**

#### **42 U.S.C § 1983 – 14<sup>th</sup> AMENDMENT SUBSTANTIVE DUE PROCESS VIOLATION (Plaintiff Against the Police Officer Defendants)**

38. All preceding allegations in paragraphs 1 - 37 are incorporated by reference as if fully set forth herein.

39. Count I is alleged by the Plaintiff, Melba Morales as administratrix of the Estate of Angel Morales against all Police Officer Defendants.

40. The Police Officer Defendants initiated an improper vehicle pursuit with speeds approaching or exceeding three times the speed limit and ran a stop sign at high speeds on a busy residential road, which pursuit was initiated and continued based upon alleged mere traffic violations.



41. The improper police pursuit of the unknown truck was initiated and continued despite the fact that the Police Officer Defendants knew or should have known that the residential road had vehicles and pedestrians traveling on it.
42. The Police Officer Defendants knew or should have known that their unmarked police vehicle was less visible because they did not have a permanent light affixed to the roof of their vehicle and they were not utilizing their siren as required.
43. The Police Officer Defendants knew or should have known that by conducting, continuing, and failing to terminate the improper pursuit of the alleged fleeing truck, the pursuit was certain to cause physical and mental injury to others, including Plaintiff. The Police Officer Defendants thus intentionally disregarded the risk of these injuries by prioritizing the effort to apprehend the alleged fleeing truck for an alleged traffic violation. The decision by the Police Officer Defendants was made despite the fact that their conduct could not possibly justify any government interest, much less the apprehension of a suspected traffic offender.
44. The Police Officer Defendants' conduct constitutes a state-created danger and was so egregious that it rises to a level that shocks the conscious.
45. As a result of the above actions, the Police Officer Defendants caused Plaintiff to be deprived of life and/or liberty and has violated Plaintiffs' clearly established Fourteenth Amendment right under the United States Constitution to substantive due process of law.

## **COUNT II**

### **42 U.S.C § 1983 – MONELL LIABILITY (Plaintiff Against the City of Miami)**

46. All preceding allegations in paragraphs 1 - 37 are incorporated by reference as if fully set forth herein.
47. Count II is alleged by Plaintiff against the Municipal Defendant, City of Miami.

48. The Police Officer Defendants acted under the color of law, and under the authority of one or more interrelated *de facto* policies, practices, and/or customs of the Municipal Defendant to violate Plaintiffs' rights as set forth herein.
49. Prior to March 31, 2023, it was a *de facto* policy, practice and/or custom of the Municipal Defendant, through their respective police departments, chiefs of police, mayors, and counsels, to inadequately supervise and train their police officers, including the Police Officer Defendants, concerning adequate vehicle pursuit policies and practices, thereby failing to adequately discourage constitutional violations on the part of their police officers. Upon information and belief, the Municipal Defendant did not require appropriate in-service training and/or retraining of police officers, including the Police Officer Defendants, who were known to engage in improper, intentional, willful, reckless, and/or negligent vehicle pursuits.
50. It was the *de facto* policy, practice, and/or custom of the Municipal Defendant, through their respective police departments, chief of police, and mayor, to inadequately supervise and train their police officers including the Police Officer Defendants, to intervene and/or report constitutional violations and misconduct committed by their fellow police officers.
51. The Municipal Defendant, acting through their respective police departments, chief of police, and mayor, have adopted and continue to maintain a recognized and accepted policy, custom, and/or practice of systematically engaging in dangerous and improper vehicle pursuits, without regard to the model and accepted vehicle pursuit policies and guidelines, which conduct has resulted in subjecting other persons, including innocent bystanders like Plaintiff, to unjustifiable risks of property damage, personal injury, and death.

52. The Municipal Defendant, acting through their respective police department, chief of police, and mayor, were fully aware of the dangers posed by vehicle pursuits and the resultant need for proper training and supervision of their police officers, but the Municipal Defendant was deliberately indifferent to those risks and failed to properly train and supervise their police officers regarding those risks.

53. As a result of the above-described practices, policies, and/or customs, the Municipal Defendant's respective police officers, including the Police Officer Defendants, believed their actions would not be properly monitored by supervisory police officers and/or other employees of the Municipal Defendant, and that this improper conduct would not be investigated or sanctioned, but would be tolerated and condoned by the Municipal Defendant.

54. As a result of the above actions, the Municipal Defendant caused Plaintiff to be deprived of life and/or liberty, and has, therefore, violated Plaintiffs' Fourteenth Amendment right under the United States Constitution to substantive due process of law.

### **COUNT III**

#### **FLORIDA STATE LAW - NEGLIGENCE (Plaintiff Against the Police Officer Defendants)**

55. All preceding allegations in paragraphs 1 - 37 are incorporated by reference as if fully set forth herein.

56. Count III is alleged by Plaintiff against the Police Officer Defendants.

57. The negligence, carelessness, and/or recklessness of the Police Officer Defendants, acting alone, jointly, and/or in concert and conspiracy, acting at all times relevant hereto as police officers of the Municipal Defendant's respective police department, was the direct and

proximate cause of the collision, damages, and death of Angel Morales. This conduct consisted of, but was not limited to:

- a. Engaging in an alleged high-speed pursuit of an unidentified vehicle when the Police Officer Defendants knew or should have known that the potential for serious bodily injury and/or death outweighed any government interest;
- b. Allegedly initiating the pursuit when the Police Officer Defendants knew or should have known that the potential for harm, danger, serious bodily injury, and/or death, far outweighed the seriousness of the traffic offense(s) Officer Queseda and Officer Ramirez allegedly witnessed being committed by an unidentified individual;
- c. Failing to consider roadway conditions and time of day when initiating and continuing the alleged pursuit;
- d. Failing to recognize and use alternative means to apprehend the unidentified individual the Police Officer Defendants were allegedly in pursuit of;
- e. Failing to appropriately coordinate the apprehension of the unidentified individual amongst all Police Officer Defendants and with other members of the Municipal Defendant's respective police departments;
- f. Failing to take reasonable action to increase the likelihood that the intersection of NW 25<sup>th</sup> Avenue and NW 28<sup>th</sup> Street would be clear of traffic in the area of the alleged pursuit;
- g. Failing to keep a proper lookout on the roadway for potential hazards to the vehicles that the Police Officer Defendants operated and to the subject of their alleged pursuit;

- h. Driving at excessive speeds and continuing the alleged pursuit through a residential neighborhood, which encouraged the unidentified individual evading pursuit to continue fleeing in their respective vehicle (thereby prolonging the pursuit);
- i. Failing to use any/all auditory and visual alert systems, including vehicle horns, at the Police Officer Defendants' disposal to alert other vehicles nearby, including the vehicle driven by Plaintiff, of the alleged pursuit;
- j. Failing to terminate the alleged pursuit when the Police Officer Defendants knew or should have known that the potential for serious bodily injury and/or death outweighed any government interest;
- k. Failing to timely communicate facts about the nature, location, and identification of the alleged pursuit to the Police Officer Defendants' respective police departments and supervising officers;
- l. Failing to follow, adhere to, and apply police department policies and guidelines regarding the initiation, continuance, and termination of a pursuit and safety during a pursuit;
- m. Failing to understand and/or follow the commands of the Police Officer Defendants' respective supervising officers concerning the pursuit and apprehension of the unidentified individual;
- n. Operating their police motor vehicle without due regard to the rights, safety, and position of surrounding vehicles, like the Plaintiff's; and,
- o. Violating the statutes of the Commonwealth of Florida governing the operation of motor vehicles on streets and highways, specifically, 23 Fla. Stat. § 316.

**COUNT IV**

**FLORIDA STATE LAW – RECKLESS DISREGARD OF SAFETY  
(Plaintiff Against the Officer Defendants)**

58. All preceding allegations in paragraphs 1 - 37 are incorporated by reference as if fully set forth herein.
59. Count IV is alleged by Plaintiff against the Police Officer Defendants.
60. The Police Officer Defendants had knowledge of the extreme danger to which they subjected members of the public, including Plaintiff, during the alleged vehicle pursuit. They were aware of the inherent danger of an alleged high-speed chase in that area. They were also aware that they were able to terminate the risk of harm by stopping and/or altering the alleged pursuit.
61. The Police Officer Defendants intentionally failed to adhere to their duties as police officers with respect to public safety and vehicle pursuits, as described above, knowing or having reason to know that their acts and omissions created an unreasonable and substantial risk of harm to members of the public, including Plaintiffs.
62. The improper conduct of the Police Officer Defendants, as alleged herein, constituted the tort of reckless disregard of safety. *See*, § 316.192, Fla. Stat. (2006).
63. As a result of the Police Officer Defendants conduct, Plaintiff suffered damages, including those articulated herein.
64. The actions and conduct of the Police Officer Defendants exceeded the normal standards of decent conduct and were willful, malicious oppressive, outrageous, and unjustifiable, and thus, compensatory and punitive damages are necessary and appropriate.

**COUNT V**

**FLORIDA STATE LAW – SURVIVAL ACTION  
(Plaintiff Against the All Defendants)**

65. All preceding allegations in paragraphs 1 - 37 are incorporated by reference as if fully set forth herein.
66. Fla. Stat. 768.21 provides for actions on behalf of the Decedent's estate for conscious pain and suffering, mental anguish, and other damages for which the deceased could have recovered had he survived.
67. Melba Morales, as Administratrix of the Estate of Angel Morales, deceased, is hereby pursuing this survival action and the Estate's claims for the decedent's conscious pain and suffering, mental anguish, pre-death fright, and funeral and burial expenses, medical expenses, and other damages permitted by law.
68. As a direct and proximate result of the wrongful acts and/or indifference of Defendants, the Decedent sustained severe and conscious pain and suffering, mental anguish, and other damages for which he could have recovered had he survived, all without any negligence on his part thereunto contributing.
69. As a further direct and proximate result of the wrongful acts and/or indifference of Defendants, the Decedent incurred monetary losses and expenses including, without limitation, funeral, burial, and medical expenses.

**COUNT VI**

**FLORIDA STATE LAW – NEGLIGENCE (VICARIOUS LIABILITY)  
(Plaintiff Against the Municipal Defendant)**

70. All preceding allegations in paragraphs 1 - 37 are incorporated by reference as if fully set forth herein.

71. Count VI is alleged by Plaintiff against the Municipal Defendant.

72. The Police Officer Defendants were the agents, servants, workmen, and employees of the Municipal Defendant, and at all relevant times were engaged in the service and performance of their duties as police officers employed by or as agents of the Municipal Defendant.

73. On March 31, 2023, prior to and during the course of the alleged pursuit, the Police Officer Defendants were operating vehicles owned by the Municipal Defendant and had the Municipal Defendant's permission to operate said vehicles.

74. The negligence, carelessness, and/or recklessness of the Municipal Defendant, acting alone, jointly, and/or in concert and conspiracy, themselves and through their agents, including the Police Officer Defendant, and at all times relevant hereto acting within the scope of their employment with or agency from the Municipal Defendant, was the direct and proximate cause of the Collision and the injuries and damages sustained by Plaintiffs.

The conduct consisted of, but was not limited to:

- a. Engaging in an alleged high-speed pursuit of an unidentified vehicle when the Police Officer Defendants knew or should have known that the potential for serious bodily injury and/or death outweighed any government interest;
- b. Allegedly initiating the pursuit when the Police Officer Defendants knew or should have known that the potential for harm, danger, serious bodily injury, and/or death, far outweighed the seriousness of the traffic offense(s) Officer Quesada and Officer Ramirez allegedly witnessed being committed by an unidentified individual;
- c. Failing to consider roadway conditions and time of day when initiating and continuing the alleged pursuit;



- d. Failing to recognize and use alternative means to apprehend the unidentified individual the Police Officer Defendants were allegedly in pursuit of;
- e. Failing to appropriately coordinate the apprehension of the unidentified individual amongst all Police Officer Defendants and with other members of the Municipal Defendant's respective police departments;
- f. Failing to take reasonable action to increase the likelihood that the intersection of NW 25<sup>th</sup> Avenue and NW 28<sup>th</sup> Street would be clear of traffic in the area of the alleged pursuit;
- g. Failing to keep a proper lookout on the roadway for potential hazards to the vehicles that the Police Officer Defendants operated and to the subject of their alleged pursuit;
- h. Driving at excessive speeds and continuing the alleged pursuit through a residential neighborhood which encouraged the unidentified individual evading pursuit to continue fleeing in their respective vehicle (thereby prolonging the pursuit);
- i. Failing to use any/all auditory and visual alert systems, including vehicle horns, at the Police Officer Defendants' disposal to alert other vehicles nearby, including the vehicle driven by Plaintiff, of the alleged pursuit;
- j. Failing to terminate the alleged pursuit when the Police Officer Defendants knew or should have known that the potential for serious bodily injury and/or death outweighed any government interest;
- k. Failing to timely communicate facts about the nature, location, and identification of the alleged pursuit to the Police Officer Defendants' respective police departments and supervising officers;

- l. Failing to follow, adhere to, and apply police department policies and guidelines regarding the initiation, continuance, and termination of a pursuit and safety during a pursuit;
  - m. Failing to understand and/or follow the commands of the Police Officer Defendants' respective supervising officers concerning the pursuit and apprehension of the unidentified individual;
  - n. Operating their police motor vehicle without due regard to the rights, safety, and position of surrounding vehicles, like the Plaintiff's; and,
  - o. Violating the statutes of the Commonwealth of Florida governing the operation of motor vehicles on streets and highways, specifically, 23 Fla. Stat. § 316.
75. The Municipal Defendant is liable for the negligent, careless, and/or reckless acts of their agents, servants, workmen, and/or employees, the Police Officer Defendants, as set forth herein pursuant to the doctrine of *respondeat superior* and are thus liable to Plaintiffs for damages, including those articulated herein.

## **COUNT VII**

### **FLORIDA STATE LAW – NEGLIGENCE (DIRECT LIABILITY) (Plaintiff Against the Municipal Defendant)**

76. All preceding allegations in paragraphs 1 - 37 are incorporated by reference as if fully set forth herein.
77. Count VII is alleged by Plaintiff against the Municipal Defendant.
78. The negligence, carelessness, and/or recklessness of the Municipal Defendant, which was the direct and proximate cause of the incident and the injuries and damages sustained by Plaintiff, consists of, but is not limited to:

- a. Failing to create, implement, and/or enforce effective policies and guidelines concerning the initiation, continuation, and termination of pursuits;
- b. Failing to create, implement, and/or enforce policies and guidelines concerning pursuits in accordance with § 768.28, Fla. Stat. and/or that were in keeping with model policies endorsed by national or state organizations or associations of police chiefs or police officers;
- c. Failing to effectively train, supervise and/or discipline police officers with respect to vehicle pursuit policies;
- d. Failing to select and hire police officers that would competently adhere to vehicle pursuit policies;
- e. Failing to discipline police officers who violated pursuit policies, thereby creating and fostering an environment in which police officers believed their violations of pursuit policies would be tolerated and/or condoned;
- f. Permitting police officers to initiate pursuits when those officers knew or should have known that the potential for harm, danger, and/or serious injury outweighed the seriousness of the suspected offense;
- g. Failing to effectively intervene to terminate improper pursuits;
- h. Failing to train and/or supervise police officers to consider roadway conditions and time of day when initiating and continuing pursuit;
- i. Failing to train police officers when it is appropriate to use alternative means in lieu of pursuit;
- j. Failing to have tools and equipment necessary for safe and effective pursuits;

- k. Failing to train and/or supervise police officers regarding how to conduct a safe and effective pursuit;
  - l. Failing to train, supervise, and/or discipline police officers with respect to the dangers posed by driving at excessive speeds or taking actions that would cause a fleeing suspect to do the same;
  - m. Failing to train and/or discipline officers with respect to the effective use of all auditory and visual alert systems at their disposal in police patrol vehicles; and,
  - n. Failing to put an effective chain of command in place during the pursuit.
79. As a direct result of the negligent, careless, and/or reckless conduct of the Municipal Defendant, Plaintiffs sustained damages, including those detailed herein.

#### **COUNT VIII**

#### **FLORIDA STATE LAW – WRONGFUL DEATH (Plaintiff Against all Defendants)**

80. All preceding allegations are incorporated by reference as if fully set forth herein.
81. Count VIII is alleged by Plaintiff Melba Morales, as Administratrix of the Estate of Angel Morales, against all Defendants.
82. Plaintiff brings this action on behalf of herself and as a representative of the wrongful death beneficiaries of Angel Morales, pursuant to § 768.20, Fla. Stat., and claims all damages recoverable.
83. The injuries sustained by the deceased as set forth herein, including, but not limited to, his death, were directly and proximately caused by the intentional, willful, reckless, careless, and/or negligent conduct of Defendants, as set forth herein.
84. As a direct and proximate result of the intentional, willful, reckless, careless, and/or negligent conduct of all Defendants, the deceased's wrongful death beneficiary has

suffered, is suffering, and will continue to suffer damages, injuries, and losses, including, but not limited to, a loss of financial support and contributions beneficiary would have received from the deceased, including monies with the deceased would have provided for items such as clothing, food, shelter, medical care, education, entertainment, recreation, and gifts.

85. As a direct and proximate result of the intentional, willful, reckless, careless, and/or negligent conduct of Defendants, the deceased's wrongful death beneficiaries have been, continue to be, and will in the future be wrongfully deprived of sums of monies which the deceased would have contributed to their support.

86. As a direct and proximate result of the intentional, willful, reckless, careless, and/or negligent conduct of Defendants, the deceased's wrongful death beneficiaries have been caused to suffer the aforesaid damages, for which Plaintiff Melba Morales, as Administratrix of the Estate of Angel Morales, here makes claim.

**WHEREFORE**, Plaintiff Melba Morales, as Administratrix of the Estate of Angel Morales, deceased, respectfully request the Court enter judgment in their favor and against Defendants on all counts of the complaint, and award relief as follows:

- A. Compensatory damages in an amount to be determined by a jury, attorneys' fees, pre-judgment and post-judgment interest, and costs against each Defendant;
- B. Punitive damages against each Defendant in an amount to be determined at trial, in order that such award will deter similar prohibited behavior by defendants and other law enforcement officers in the future; and,
- C. Any other relief as this Court deems appropriate.

Dated this 22<sup>nd</sup> day of July, 2024.

/s/ Travis J. Stulz

Travis J. Stulz, Esq.

FBN 112203

Weinstein Legal Team

905 Lee Road

Orlando, FL 32810

514 NE 13<sup>th</sup> Street

Fort Lauderdale, FL 33304

Telephone: (407) 557-2332

Facsimile: (954) 206-0050

Primary email: [travis@weinstein-legal.com](mailto:travis@weinstein-legal.com)

Secondary email: [sandy@weinstein-legal.com](mailto:sandy@weinstein-legal.com)

[service@weinstein-legal.com](mailto:service@weinstein-legal.com)

Attorneys for Plaintiff

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

MELBA MORALES, AS ADMINISTRATRIX  
OF THE ESTATE OF ANGEL MORALES,  
DECEASED,

DEFENDANTS

CITY OF MIAMI, CITY OF MIAMI POLICE  
OFFICER LUIS QUESEDA, INDIVIDUALLY  
AND AS A POLICE OFFICER FOR THE CITY OF  
MIAMI POLICE DEPARTMENT, AND CITY OF  
MIAMI POLICE OFFICER CHRISTIAN RAMIREZ,  
INDIVIDUALLY AND AS A POLICE OFFICER  
FOR THE CITY OF MIAMI POLICE DEPARTMENT,

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

Miami-Dade County

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

Miami-Dade County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.  
Attorneys (If Known)

(C) Attorneys (Firm Name, Address, and Telephone Number)

Travis J. Stulz, Esquire  
Weinstein Legal Team  
905 Lee Road  
Orlando, FL 32810  
407-557-2332

(d) Check County Where Action Arose: ☒ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

D 1 U.S. Government Plaintiff ☒ Federal Question  
(U.S. Government Not a Party)

D 2 U.S. Government Defendant ☐ Diversity  
(Indicate Citizenship of Parties in Item 4)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box/or Plaintiffj and One Box/or Defendant)

PTF DEF  
D 1 ☐ I Incorporated or Principal Place  
of Business In This State D 4 D 4

D Citizen of Another State ☐ 2 D 2 Incorporated and Principal Place  
of Business In Another State ☐ 5 ☐ 5

Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions](#)

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act				
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	XXX 365 Personal Injury - Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	D 376 Qui Tam (31 USC 3729(a)) 400 State Reapportionment				
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<b>INTELLECTUAL PROPERTY RIGHTS</b>	<input type="checkbox"/> 410 Antitrust				
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 820 Copyrights D 830 Patent	D 430 Banks and Banking				
D 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce				
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation				
<input type="checkbox"/> 152 Recovery of Defaulted (Excl. Veterans)				<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations				
D 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 345 Marine Product Liability	<b>PERSONAL PROPERTY</b>	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	D 485 Telephone Consumer Protection Act (TCPA)				
D 160 Stockholders' Suits	D 350 Motor Vehicle	D 370 Other Fraud	D 710 Fair Labor Standards Acts	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV				
D 190 Other Contract	D 355 Motor Vehicle Product Liability	D 371 Truth in Lending	D 720 Labor/Mgmt. Relations	D 862 Black Lung (923)	D 850 Securities/Commodities/ Exchange				
D 195 Contract Product Liability	D 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	D 740 Railway Labor Act	<input type="checkbox"/> 863 D!WC/DIWW (405(g))	D 890 Other Statutory Actions				
D 196 Franchise	<input type="checkbox"/> 362 Personal Injury- Med. Malpractice	D 385 Property Damage Product Liability	D 751 Family and Medical Leave Act	<input type="checkbox"/> 864 SS!D Title XVI	D 891 Agricultural Acts				
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters				
			<input type="checkbox"/> 791 Employee Retirement Income Security Act		<input type="checkbox"/> 895 Freedom of Information Act				
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 896 Arbitration				
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or 871 IRS-Third Party 26 USC	<input type="checkbox"/> 899 Administrative Procedure				
<input type="checkbox"/> 220	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 871 IRS-Third Party 26 USC Defendant)	Act/Review or Appeal of 950 Constitutionality of Agency Decision				
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 245 Tort Product		<input type="checkbox"/> 872 Taxes (U.S. Defendant or 873 IRS-Third Party 26 USC Plaintiff)	<b>Other</b>				

IMMIGRATION

D 462 Naturalization Application

D 446 Amer. w/Disabilities - Other

☐ 448 Education

D 540 Mandamus & Other

D 550 Civil Rights

☐ 555 Prison Condition

560 Civil Detainee -

D Conditions of Confinement

D 465 Other Immigration Actions

V. ORIGIN

(Place an "X" in One Box Only)

XXI Original Proceeding

☐ 2 Removed from State Court

☐ 3 Re-filed (See VI below)

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district (specify)

D 6 Multidistrict Litigation Transfer

D 7 Appeal to District Judge from Magistrate Judgment

D 8 Multidistrict Litigation - Direct File

9 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S)

(See instructions): a) Re-filed Case DYES X NO

b) Related Cases ☐ YES X NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

This action is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343. Plaintiff further invokes the supplemental jurisdiction under 28 U.S.C. § 1367(a) to hear and decide claims under state law.

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND\$

CHECK YES only if demanded in complaint:

JURY DEMAND: X Yes ☐ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE

SIGNATURE OF ATTORNEY OF RECORD

7/23/2024

Travis J. Stulz

FOR OFFICE USE ONLY: RECEIPT#

AMOUNT

TFP

JUDGE

MAG JUDGE



**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

**(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

**(c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

**VI. Related/Refiled Cases.** This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

**VII. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

**VIII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of Florida  
Fort Lauderdale Division

MELBA MORALES, AS ADMINISTRATRIX  
OF THE ESTATE OF ANGEL MORALES,  
DECEASED,

*Plaintiff(s)*

v.

CITY OF MIAMI, CITY OF MIAMI POLICE  
OFFICER LUIS QUESEDA, INDIVIDUALLY  
AND AS A POLICE OFFICER FOR THE CITY OF  
MIAMI POLICE DEPARTMENT, AND CITY OF  
MIAMI POLICE OFFICER CHRISTIAN RAMIREZ,  
INDIVIDUALLY AND AS A POLICE OFFICER  
FOR THE CITY OF MIAMI POLICE DEPARTMENT,

*Defendant(s)*

Civil Action No. 0:24-cv-61301

### SUMMONS IN A CIVIL ACTION

To: CITY OF MIAMI  
c/o Francis Suarez, Mayor  
3500 Pan American Drive  
Miami, FL 33133

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it)– or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiffs attorney, whose name and address are:

Travis J. Stulz, Esq.  
Weinstein Legal Team  
905 Lee Road  
Orlando, FL 32810  
travis@weinstein-legal.com; sandy@weinstein-legal.com and service@weinstein-legal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_

**0** I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

**0** I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

**0** I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

**0** I returned the summons unexecuted because \_\_\_\_\_ ; or

**0** Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT**

for the

Southern District of Florida  
Fort Lauderdale Division

MELBA MORALES, AS ADMINISTRATRIX  
OF THE ESTATE OF ANGEL MORALES,  
DECEASED,

*Plaintiff(s)*

v.

CITY OF MIAMI, CITY OF MIAMI POLICE  
OFFICER LUIS QUESEDA, INDIVIDUALLY  
AND AS A POLICE OFFICER FOR THE CITY OF  
MIAMI POLICE DEPARTMENT, AND CITY OF  
MIAMI POLICE OFFICER CHRISTIAN RAMIREZ,  
INDIVIDUALLY AND AS A POLICE OFFICER  
FOR THE CITY OF MIAMI POLICE DEPARTMENT,

*Defendant(5)*

Civil Action No. 0:24-cv-61301

**SUMMONS IN A CIVIL ACTION**

To: Officer Luis Queseda  
c/o Miami Police Department  
400 NW 2<sup>nd</sup> Avenue  
Miami, FL 33128

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it)– or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiffs attorney, whose name and address are:

Travis J. Stulz, Esq.  
Weinstein Legal Team  
905 Lee Road  
Orlando, FL 32810  
travis@weinstein-legal.com; sandy@weinstein-legal.com and service@weinstein-legal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))***

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_

**0** I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

**0** I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

**0** I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

**0** I returned the summons unexecuted because \_\_\_\_\_ ; or

**0** Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of Florida  
Fort Lauderdale Division

MELBA MORALES, AS ADMINISTRATRIX  
OF THE ESTATE OF ANGEL MORALES,  
DECEASED,

*Plaintiff(s)*

v.

CITY OF MIAMI, CITY OF MIAMI POLICE  
OFFICER LUIS QUESEDA, INDIVIDUALLY  
AND AS A POLICE OFFICER FOR THE CITY OF  
MIAMI POLICE DEPARTMENT, AND CITY OF  
MIAMI POLICE OFFICER CHRISTIAN RAMIREZ,  
INDIVIDUALLY AND AS A POLICE OFFICER  
FOR THE CITY OF MIAMI POLICE DEPARTMENT,

*Defendant(s)*

Civil Action No. 0:24-cv-61301

### SUMMONS IN A CIVIL ACTION

To: Officer Christian Ramirez  
c/o Miami Police Department  
400 NW 2<sup>nd</sup> Avenue  
Miami, FL 33128

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it)– or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiffs attorney, whose name and address are:

Travis J. Stulz, Esq.  
Weinstein Legal Team  
905 Lee Road  
Orlando, FL 32810  
travis@weinstein-legal.com; sandy@weinstein-legal.com and service@weinstein-legal.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))***

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_

**0** I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

**0** I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

**0** I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

**0** I returned the summons unexecuted because \_\_\_\_\_ ; or

**0** Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: