

CLAIM FOR DAMAGE, INJURY, OR DEATH	INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.	FORM APPROVED OMB NO. 1105-0008
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1. Submit to Appropriate Federal Agency: Department of Homeland Security Office of the General Counsel Mail Stop 3650 Washington, D.C., 20528	2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. James Steinle, Elizabeth Sullivan, and the Estate of Kathryn Steinle (See Attachments 1 and 2). C/O Cotchett, Pitre & McCarthy, LLP
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3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. DATE OF BIRTH Attachment 2	5. MARITAL STATUS Attachment 2	6. DATE AND DAY OF ACCIDENT 07/01/2015	7. TIME (A.M. OR P.M.) Appx. 6:30 p.m.
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8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

Please see Attachment 2.

9. **PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

None.

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side).

None.

10. **PERSONAL INJURY/WRONGFUL DEATH**

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

Please see Attachment 2.


11. **WITNESSES**

NAME	ADDRESS (Number, Street, City, State, and Zip Code)
Mr. James Steinle (represented by Counsel)	Cotchett, Pitre & McCarthy, LLP, 840 Malcolm Road, Burlingame, CA 94102

12. (See instructions on reverse).

AMOUNT OF CLAIM (in dollars)			
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights).
0.00	Attachment 2	Attachment 2	Attachment 2

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 	13b. PHONE NUMBER OF PERSON SIGNING FORM (650) 697-6000	14. DATE OF SIGNATURE 8/31/15
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CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).	CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fines, imprisonment, or both. (See 18 U.S.C. 287, 1001.)
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INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance? Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. No

Blue Cross, Blue Shield
P.O. Box 64580
St. Paul, MN 55164-0560

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? Yes No 17. If deductible, state amount.

Blue Cross Blue Shield partially paid amounts owed for medical services. See Attachment 3. 500.00

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

Blue Cross Blue Shield partially paid amounts owed for medical services. See Attachment 3.

19. Do you carry public liability and property damage insurance? Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). No

N/A.

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

- B. *Principal Purpose:* The information requested is to be used in evaluating claims.
- C. *Routine Use:* See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
- D. *Effect of Failure to Respond:* Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

A. *Authority:* The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Tort Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

ATTACHMENT 1

ATTACHMENT 1

ATTORNEY AUTHORIZATION

**TO: Department of Homeland Security
Office of the General Counsel
Mail Stop 3650
Washington, D.C. 20528**

We, James Steinle and Elizabeth Sullivan, both individually and as parents of the decedent Kathryn Steinle, hereby designate and authorize Frank M. Pitre of the law firm Cotchett, Pitre & McCarthy, LLP to represent our interests, and the interests of our deceased daughter Kathryn Steinle, and continue any and all claims which have been filed or will be filed arising from the July 1, 2015 death of Kathryn Steinle near Pier 14 in San Francisco, California.

Executed this 26th day of Aug, 2015, at

Burlingame, Calif

James Steinle
Signature of James Steinle

Elizabeth Sullivan
Signature of Elizabeth Sullivan

ATTACHMENT 2

ATTACHMENT 2

INTRODUCTION

CLAIMANTS James Steinle and Elizabeth Sullivan, individually and as heirs to Kathryn Steinle, deceased, and the Estate of Kathryn Steinle (collectively “**CLAIMANTS**”), bring this action under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), and 2671-260 (“**FTCA**”), against the United States Immigration and Customs Enforcement (“**ICE**”) and the United States Department of Interior’s Bureau of Land Management (“**BLM**”) (collectively “**RESPONDENTS**”) for the negligent acts of their officers, officials, agents and/or employees, and their failures to perform mandatory duties, the purpose of which are to promote, protect, and uphold the safety and welfare of the public.

As set forth below, **CLAIMANTS** assert that **ICE**, inclusive of its officers, officials, agents and/or employees, failed to affirmatively detain and deport a convicted felon and undocumented immigrant, Mr. Juan Francisco Lopez-Sanchez (“**LOPEZ-SANCHEZ**”), upon release from custody by the San Francisco Sheriff’s Department (“**SFSD**”). **LOPEZ-SANCHEZ** was a career felon who had just served time in federal prison for multiple felony convictions involving the manufacture, possession and sale of narcotics. Accordingly, **ICE** was required to expeditiously take custody of **LOPEZ-SANCHEZ** upon his release and proceed with deportation proceedings. **ICE** failed to do so, and as a direct legal consequence of **ICE**’s failure to carry out its mandatory responsibility, an undocumented repeat felon subject to deportation was released by the City and County of San Francisco where he foreseeably pursued a criminal course of conduct by shooting and killing Kathryn Steinle (“**KATE**”) on July 1, 2015 at or about 6:30 p.m.

As set forth below, **CLAIMANTS** also assert that a **BLM** law enforcement agent failed to follow mandatory regulations, policies and/or procedures for securing and storing a firearm while it was left in an unoccupied vehicle. As a direct legal consequence of the **BLM** agent’s failure to exercise this mandatory duty, **LOPEZ-SANCHEZ** was able to gain access to a loaded

.40 caliber government-issued firearm which was then foreseeably used to pursue a criminal course of conduct by the shooting and killing of **KATE**.

PARTIES

I. CLAIMANTS

Kathryn (“KATE”) Steinle, now deceased, was at all times relevant to this claim a resident of the City and County of San Francisco. **KATE** was born on December 13, 1982, and was the daughter of James Steinle and Elizabeth Sullivan.

James (“JAMES”) Steinle is, and at all times relevant to this claim was, a resident of Livermore, California. Jim was born on April 29, 1947, was the father of **KATE**, and is a proper personal representative and heir pursuant to California law.

Elizabeth (“LIZ”) Sullivan is, and at all times relevant to this claim was, a resident of Livermore, California. Liz was born on May 21, 1946, was the mother of **KATE**, and is a proper personal representative and heir pursuant to California law.

Both **JAMES** and **LIZ**, by virtue of the premises, are lawfully entitled to initiate this claim in their individual capacity, as well as on behalf of the **ESTATE OF KATHRYN STEINLE** in pursuit of a survival action.

II. RESPONDENTS

The **United States Immigration and Customs Enforcement (“ICE”)** is a federal law enforcement agency acting under the **United States Department of Homeland Security (“DHS”)**. **ICE**, through its officers, officials, agents and/or employees, is responsible for enforcing the nation’s immigration laws and ensuring the departure of removable aliens from the United States. **ICE** effectuates this purpose through an enforcement body called Immigration Enforcement Agents (“IEAs”). **IEAs** identify, arrest, and remove aliens who violate U.S. immigration law, and are the primary group responsible for the transportation and detention of aliens in **ICE** custody. **ICE** also has Deportation Officers that prosecute aliens for illegal re-entry after deportation, monitor cases during deportation proceedings, supervise released aliens who are subject to deportation, and remove aliens from the United States.

The **United States Department of Interior's Bureau of Land Management ("BLM")** is an agency within the United States Department of the Interior that helps administer, maintain and oversee certain public lands owned or in the possession of the United States. The **BLM**, acting through its Office of Law Enforcement & Security, also functions as a federal law enforcement agency of the United States Government. Pursuant to that role, the **BLM** has uniformed rangers that enforce laws and regulations that govern **BLM** lands and resources. **BLM** rangers carry firearms, defensive equipment, make arrests, execute search warrants, complete reports and testify in court.

STATEMENT OF RELEVANT FACTS

I. THE DEATH OF KATHRYN STEINLE

On July 1, 2015, at approximately 6:30 p.m. an undocumented immigrant named Juan Inez Garcia-Zarate, a.k.a. Juan Francisco Lopez-Sanchez ("**LOPEZ-SANCHEZ**") discharged one bullet from a .40 caliber SIG Sauer handgun. That bullet struck **KATE** in the back, piercing her aorta and lodging itself in her abdomen. Just moments before the shooting, **KATE** and her father **JAMES** had been walking together along the San Francisco waterfront nearby Pier 14.

KATE's father **JAMES** came to her aid immediately after she was shot by **LOPEZ-SANCHEZ**. **JAMES** held **KATE** in his arms while she endured significant physical and emotional pain. **JAMES** attempted to keep **KATE** alive by performing emergency cardiopulmonary resuscitation ("**CPR**") while he waited for medical assistance to arrive. **JAMES** held her head as she fought for her life and begged for his help. Despite **JAMES** best efforts, and those of the emergency responders who were called to **KATE's** aid, **KATE** succumbed to her injuries approximately two (2) hours later at San Francisco General Hospital.

At the time of her death, **KATE** was a smart and hardworking thirty-two (32) year old woman, and a loving daughter and sister with a strong commitment to socially just causes. See attached Exhibit A.

II. JUAN FRANCISCO LOPEZ-SANCHEZ'S PRIOR CRIMINAL HISTORY

In stark contrast to **KATE**, **LOPEZ-SANCHEZ** had been convicted of seven felonies, four being serious drug felonies, and was deported five times prior to the shooting. Indeed, on the date in question, **LOPEZ-SANCHEZ** admitted to being under the influence of narcotics, including but not limited to, marijuana and sleeping pills. He claims that he does not remember any of the events that took place on July 1, 2015. Witnesses of the shooting observed **LOPEZ-SANCHEZ** acting bizarrely moments before the killing of **KATE**.

This senseless shooting is consistent with the aberrant, erratic, and uncontrollable nature of an individual addicted to controlled substances, including heroin, and is a foreseeable risk given the pattern and practice of misuse and abuse of controlled substances as illustrated by **LOPEZ-SANCHEZ's** prior convictions, including the manufacture, possession and/or sale of heroin.

LOPEZ-SANCHEZ's prior criminal convictions and/or deportations, include but are not limited to the following:

1. **Convicted** of felony heroin possession on or about, February 2, 1993;
2. **Convicted** of felony narcotics manufacturing on or about, May 12, 1993;
3. **Convicted** of felony heroin possession on or about, November 2, 1993;
4. **Convicted** of misdemeanor imitation controlled substance on or about, June 9, 1994;
5. **Convicted** of a controlled substance violation and aggravated felony on or about, June 10, 1994;
6. **Deported** to Mexico on or about, June 20, 1994;
7. **Convicted** of felony heroin possession on or about, July 11, 1996;
8. **Deported** to Mexico on or about, April 4, 1997;
9. **Deported** to Mexico on or about, February 2, 1998;
10. **Convicted** of felony re-entry on or about, September 3, 1998;
11. **Deported** to Mexico on or about, March 6, 2003;

12. **Convicted** of criminal re-entry and violation of supervised release on or about, November 7, 2003;
13. **Deported** to Mexico on or about, June 29, 2009; and
14. **Convicted** of felony re-entry and probation violations on or about, May 12, 2011.

On or around March 26, 2015, **LOPEZ-SANCHEZ** had finished serving a forty-six month sentence at Victorville federal prison in Los Angeles. *Pursuant to a request made by the SFSD, LOPEZ-SANCHEZ* was released to SFSD custody to appear for an outstanding felony warrant for the sale of marijuana. A judge of the San Francisco Superior Court heard the matter the very next day, March 27, 2015, at which time **LOPEZ-SANCHEZ**'s drug charge was dismissed.

III. ICE'S FAILURE TO DETAIN AND DEPORT JUAN FRANCISCO LOPEZ-SANCHEZ UPON RELEASE

On or around March 27, the Office of Immigration and Customs Enforcement or **ICE** (previously known as the Immigration and Naturalization Service) sent an immigration detainer request to SFSD asking that **ICE** be notified forty-eight hours prior to the release of **LOPEZ-SANCHEZ**.

Immigration detainer requests are issued pursuant to Sections 236 and 287 of the Immigration and Nationality Act and Chapter 1 of the Code of Federal Regulations, 8 C.F.R. § 287.7. These requests notify Federal, State, or local law enforcement agencies that **ICE** seeks the custody of an undocumented immigrant that is presently in the custody of that enforcement agency for the purpose of arresting and removing the undocumented immigrant. Among other things, a detainer request asks that the Federal, State or local law enforcement agency notify **ICE** prior to release of the undocumented immigrant so that **ICE** can assume custody.

At all times relevant herein, **ICE**, including its officers, officials, agents and/or employees, were aware of the City and County of San Francisco's status as a "Sanctuary City," and had been informed on several occasions by members of the SFSD, including San Francisco Sheriff Ross Mirkarimi, that the SFSD would not honor **ICE** detainer requests. In fact, on

February 12, 2015, Sheriff Mirkarimi met with Homeland Security Deputy Director Alejandro Mayorkas during which time Mirkarimi informed **DHS** (and by extension, **ICE**) that SFSD would not notify **ICE** or **DHS** of the pending release of an undocumented immigrant unless **ICE** had issued a judicial order or warrant for deportation. Therefore, **DHS** and **ICE** were aware prior to the release of **LOPEZ-SANCHEZ** that unless affirmative steps were taken, SFSD would as a matter of course permit the unsupervised release of undocumented immigrant felons that were in the custody of the City and County of San Francisco.

At all times relevant herein, **ICE**, including its officers, officials, agents and/or employees, were aware of their mandatory duty to obtain a required judicial order or warrant for the detention and/or deportation of **LOPEZ-SANCHEZ** while in the custody of the City and County of San Francisco.

At all times relevant herein, federal law requires that **ICE** and **DHS** effectively and expeditiously take custody of undocumented immigrants that have been convicted on a felony drug charge and that are not otherwise detained by Federal, State, or local officials.

At all times relevant herein, **ICE's** and/or **DHS's** officers, officials, agents and/or employees were aware that **LOPEZ-SANCHEZ** had a long criminal history that included numerous felony convictions for violations of the controlled substances laws, including for the manufacture, possession and sale of narcotics.

At all times relevant herein, **ICE's** and/or **DHS's** officers, officials, agents and/or employees were aware that **LOPEZ-SANCHEZ** was an undocumented immigrant that had been subject to multiple deportation proceedings in the past.

Accordingly, by operation of federal statute, **ICE** and **DHS** had mandatory duties to detain and deport **LOPEZ-SANCHEZ**, yet failed to do so. As a direct and legal result of these failures to carry out their mandatory duties, **LOPEZ-SANCHEZ** was released without supervision, detention and/or deportation. Less than three months after his release, **LOPEZ-SANCHEZ** shot and killed **KATE**.

IV. A RANGER OF THE BUREAU OF LAND MANAGEMENT FAILED TO FOLLOW MANDATORY DUTIES FOR SECURING A .40 CALIBER FIREARM

BLM fields a force of approximately 200 Law Enforcement Rangers and 70 Special Agents. These **BLM** officers enforce a wide range of laws and regulations in the prevention, detection, and investigation of crimes affecting public lands and resources.

BLM's Rangers are uniformed officers who are responsible for enforcing federal laws and regulations and assisting local county or city police departments, other federal and state land management agencies. All **BLM** Rangers are equipped with government-issued firearms, including SIG Sauer .40 caliber handguns.

BLM Rangers are also required to attend special firearm training held by the Federal Law Enforcement Training Center ("FLETC"). After FLETC training is complete, **BLM** Rangers complete a second field training and evaluation program where they learn the job in several duty locations across the western States. Annual and quarterly training is also required for firearms, defensive tactics, physical fitness, and other job skills.

On or around June 27, 2015, a fully-loaded and government-issued .40 caliber SIG Sauer P239 handgun was taken from a **BLM** Ranger's vehicle while that vehicle was parked in the downtown area of San Francisco. A representative image of a P239 SIG Sauer .40 caliber handgun is provided below.



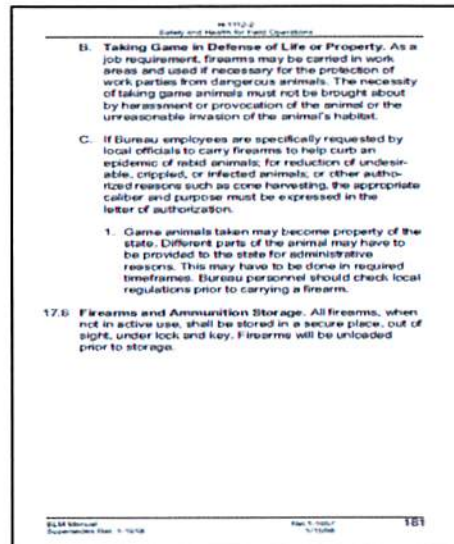
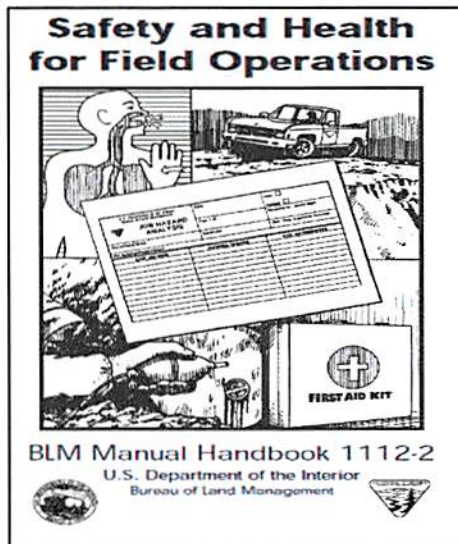
According to reports, the **BLM** Ranger had travelled to the City and County of San Francisco for business purposes, and had left the .40 caliber weapon unattended in a backpack that was in plain sight in his vehicle. At the time the gun was taken, the **BLM** Ranger was acting within the course and scope of his employment.

According to the San Francisco Police Department, the incident rate of auto burglaries in the City increased by 32% in 2015. The downtown areas of San Francisco, including the South of Market and Financial Districts, had the biggest increase in robberies and car break-ins. As a result, the SFPD advises residents and visitors that nothing of value should be left in an unattended vehicle.

On or around July 10, 2015, the San Francisco Police Department marine unit retrieved a .40 caliber SIG Sauer handgun from the water just off of Pier 14. After comparing the ballistics from the handgun that was found to the round that killed **KATE**, the San Francisco Police Department's forensic crime laboratory confirmed that it was the gun used by **LOPEZ-SANCHEZ** to shoot and kill **KATE**. The **BLM** also confirmed that it was same handgun that had been taken from their Ranger's vehicle.

Dana Wilson, a spokesperson for **BLM**, admitted in a public statement issued shortly after **KATE**'s death that it is **BLM**'s policy and procedure that officers or Rangers are required to ensure that their firearms are kept secure. In fact, the Departmental Manual for all Department of the Interior employees engaged in law enforcement duties, such as **BLM** Rangers, states that each officer is responsible for ensuring the security of his/her assigned firearm and other defensive equipment while on or off duty. *See Exhibit B.*

Additionally, **BLM's** own Safety and Health for Field Operations Manual Handbook 1112-2, Chapter 17.6, requires that "[a]ll firearms, when not in active use, shall be stored in a secure place, out of sight, under lock and key. Firearms will be unloaded prior to storage." See Exhibit C.



As such, and at all times relevant herein, all **BLM** Rangers have a mandatory duty to secure their firearms in a lockable, hard-side, gun case that is pre-approved by the State Firearms Officer. Further, all **BLM** Rangers have a mandatory duty to ensure that their firearms are unloaded at all times except when actually needed. These mandatory duties are similar in kind to laws that govern private persons under California law. A representative sample of a locked gun box is provided below.



The **BLM** Ranger who was assigned the .40 caliber SIG Sauer handgun that was later used to kill **KATE** failed to exercise his mandatory duty to properly and safely secure his firearm. The **BLM** Ranger also failed to exercise his mandatory duty leave his firearm unloaded at a time when it was not actually needed. As a direct and legal result of said wrongful acts and/or omissions, **LOPEZ-SANCHEZ** was allowed to gain access to a loaded weapon that he later used to kill **KATE**.

BASIS FOR FEDERAL TORT CLAIM LIABILITY

I. ICE'S FAILURE TO AFFIRMATIVELY DETAIN AND DEPORT LOPEZ-SANCHEZ

CLAIMANTS hereby reallege and incorporate by reference each and every allegation above as if fully set forth in detail herein.

At all times relevant herein, **ICE's** and/or **DHS's** officers, officials, agents and/or employees, and each of them, had a mandatory duty to affirmatively detain and deport **LOPEZ-SANCHEZ**, a convicted felon. However, **ICE** and/or **DHS** failed to carry out their mandatory responsibilities by failing to obtain a judicial order or warrant for the detention and/or deportation of **LOPEZ-SANCHEZ**, or alternatively, failing to effectively and expeditiously take custody of **LOPEZ-SANCHEZ** upon his release.

At all times relevant herein, **ICE** and/or **DHS** knew or should have known that the City and County of San Francisco was a "Sanctuary City," and would not notify **ICE** or **DHS** prior to the unsupervised release of **LOPEZ-SANCHEZ**. **ICE** and/or **DHS** further knew that **LOPEZ-SANCHEZ** had a long criminal history of felony drug offenses and deportations. It was reasonably foreseeable that an undocumented immigrant with a twenty-two year criminal record that consisted of seven felony offenses would continue to engage in criminal behaviors, including violent acts, once released from custody.

As a direct and legal result of the wrongful acts and omissions of **ICE** and/or **DHS**, **KATE** was shot and killed by **LOPEZ-SANCHEZ**.

As a direct and legal result of the wrongful acts and omissions of **ICE** and/or **DHS**, **JAMES** contemporaneously witnessed his daughter being shot and struggle for her life while in his arms, and consequently, suffered severe emotional distress.

As a further direct and legal result of the aforementioned acts, **CLAIMANTS** suffered the damages as set forth below.

II. BLM'S FAILURE TO PROPERLY SECURE THE FIREARM

CLAIMANTS hereby reallege and incorporate by reference each and every allegation contained above as if fully set forth in detail herein.

BLM Rangers are under a mandatory duty to secure firearms in a lockable, hard-side, gun case that is pre-approved by the State Firearms Officer. Further, **BLM** Rangers have a mandatory duty to ensure that all firearms are unloaded at all times except when actually needed.

The **BLM** Ranger breached these mandatory duties by leaving his government-issued .40 caliber SIG Sauer handgun in an unlocked and/or unsecure location in his unattended vehicle on or around June 27, 2015. The **BLM** Ranger also breached his mandatory duty by failing to store his .40 caliber SIG Sauer firearm in an unloaded state while it was not actually needed.

As a direct and legal result of these wrongful acts and omissions of the **BLM** Ranger, an undocumented immigrant with a felony history was able to gain access to the **BLM** Ranger's loaded firearm. Further, as a direct and legal result of these wrongful acts and omissions, an undocumented immigrant with a felony history used that government-issued firearm to shoot and kill **KATE**.

As a further direct and legal result of these wrongful acts and omissions, **JAMES** contemporaneously witnessed his daughter being shot and struggle for life while in his arms and, based on the foregoing, suffered severe emotional distress.

Based on the premises, **CLAIMANTS** suffered the damages set forth below.

DAMAGES

I. SUM CERTAIN REQUIREMENT

As a direct and legal result of the combined wrongful acts of **ICE** and **BLM**, and each of them, **CLAIMANTS** have suffered substantial economic and/or non-economic losses and damages as set forth herein, and seek to recover all amounts permissible under state or federal law upon proof to the satisfaction of the trier of fact in an amount not to exceed \$25,000,000.00.

II. CATEGORIES OF DAMAGE SOUGHT BY CLAIMANTS

CLAIMANTS seek the following categories of damages:

As a further direct and legal result of the combined wrongful acts of **ICE** and **BLM**, and each of them, **CLAIMANTS** have incurred funeral expenses and burial expenses on behalf of **KATE** in an amount to be determined by the trier of fact. *See* Exhibit D.

As a further direct and legal result of the combined wrongful acts of **ICE** and **BLM**, and each of them, **CLAIMANT ESTATE** incurred medical expenses for care and treatment prior to **KATE**'s death. The **ESTATE** seeks recovery of said expenses in an amount to be established by appropriate proof.

As a further direct and legal result of the combined wrongful acts of **ICE** and **BLM**, and each of them, **CLAIMANT JAMES** has and/or will incur medical expenses for his care and treatment related to the death of **KATE**, in an amount to be determined by the trier of fact.

As a further direct and legal result of the combined wrongful acts of **ICE** and **BLM**, and each of them, **CLAIMANT JAMES** has and/or will suffer extreme emotional distress including nervousness, grief, anxiety, worry, mortification, shock, indignity, apprehension, terror or ordeal in an amount to be determined by the trier of fact.

As a further direct and legal result of the combined wrongful acts of **ICE** and **BLM**, and each of them, **CLAIMANTS JAMES** and **LIZ** have suffered, and will continue to suffer, the loss of love, society, solace, companionship, comfort, care, assistance, protection, affection, society, moral support of **KATE** in an amount to be determined by the trier of fact.

CLAIMANTS hereby submit their claim for damages.

Dated: September 1, 2015

COTCHETT, PITRE & McCARTHY, LLP

By:  _____

FRANK M. PITRE
BRIAN M. SCHNARR
Attorneys for Plaintiffs

EXHIBIT A

EXHIBIT A – BIOGRAPHY OF KATE



Kate was born in Pleasanton, California and graduated from Amador Valley High School in 2001. She was strong, outspoken and a free-spirit. She was also very close with her family, spending quality time with them regularly and always putting them first. After graduating from California Polytechnic, San Luis Obispo with a bachelor's degree in communication studies, Kate traveled to Europe, China, Japan, Africa and Dubai, where she lived for a short-time period as well.

Through her travels, she was inspired by different cultures and people she came across. For Kate, traveling was not about sight-seeing. She loved to meet new people, know the cultures, and engross herself in the lives of others, especially those less fortunate. She also

became a passionate advocate and strong supporter of the protection and preservation of wildlife and animals, best exemplified by her support of the Performing Animal Welfare Society, a non-profit organization that creates sanctuaries for abandoned or abused performing animals and victims of the exotic animal trade.

After traveling, she settled down in San Francisco and pursued a thriving career in medical sales. She also volunteered on a regular basis with the Challenged Athletes Foundation (“CAF”), a non-profit that works with athletes with physical challenges and supports their athletic endeavors by providing sports opportunities that lead to success in sports and life. As best said by the President of CAF, “what always impressed me about Katie was how genuinely she engaged herself with challenged athletes, how genuinely interested she was in their life, their tragedy, and guided them on how best to deal with that.”

As the aforementioned makes clear, Kate had a profound effect on every life she touched, commonly referred to as the “Kate Effect.”

EXHIBIT B

Department of the Interior Departmental Manual

Effective Date: 10/4/00

Series: Law Enforcement and Security

Part 446: Law Enforcement

Chapter 10: Firearms and Other Defensive Equipment

Originating Office: Office of Managing Risk and Public Safety

446 DM 10

10.1 Purpose. This chapter establishes uniform policy concerning the standardization and use of firearms and other defensive equipment by all employees of the Department of the Interior (Department) who are engaged in law enforcement duties.

10.2 Policy. All persons engaged in law enforcement activities shall be properly trained, armed and equipped. Law enforcement officers will responsibly and discriminately use firearms and other defensive equipment in the performance of their duties. Every law enforcement officer is accountable for his/her actions.

10.3 Guidelines. The following guidelines shall be adhered to:

A. The Department shall establish the minimum standards for law enforcement equipment (see 446 DM 12). Equipment within each bureau/office shall be standardized to the extent feasible, except where special purposes require deviations. Only Government-issued and/or bureau/office-approved firearms and other defensive equipment shall be carried or worn while on duty. Government-issued firearms and other defensive equipment may not be possessed or used by an unauthorized person.

B. Each bureau/office shall ensure that each law enforcement officer receives, at least, the minimum standard issue of law enforcement equipment (see 446 DM 12). Each bureau/office shall establish necessary defensive equipment standards and specify the type of defensive equipment to be used by its law enforcement officers.

C. Only the minimal force necessary to effect and maintain public order, protect human life or property, and/or arrest shall be used.

(1) Except for legitimate wildlife management or training purposes, the discharge of a firearm, (the use of deadly force) is used only when necessary, that is, when the officer has an objectively reasonable belief, in light of the facts and circumstances confronting the officer, that the subject of such force poses an imminent danger of death or serious injury to the officer or to another person. (See 446 DM 20).

(2) The firing of warning shots is not permitted. (See 446 DM 20).

(3) Weapons may not be fired solely to disable a vehicle. (See 446 DM 20).

D. Each law enforcement officer shall report the loss of any firearm and/or other defensive equipment as soon as possible. Each law enforcement officer is responsible for ensuring the security of his/her assigned firearm and other defensive equipment while on or off duty. All defensive equipment should be afforded the same degree of security as the firearm. Any law enforcement officer who loses any equipment or issued property of any type through carelessness may be deemed guilty of negligence.

10.4 Authority to Carry Firearms.

A. **Authorizing Official.** In accordance with statutory authority and established guidelines, the Secretary of the Interior may authorize designated Departmental employees to carry firearms. For the efficiency of operations and maintenance of proper records, this authority to designate employees to carry firearms may be delegated to bureau/office heads or their designated representatives.

B. **Employees Permitted to Carry Firearms.** Only Departmental law enforcement officers are authorized to carry firearms for law enforcement purposes. Law enforcement trainees without commissions may carry weapons only during authorized training exercises. Bureaus/offices may promulgate policy permitting employees who are not law enforcement officers to carry firearms for purposes other than law enforcement when functions or circumstances related to their official duty necessitate such action.

10.5 Carrying Firearms. Law enforcement officers of the Department are authorized to carry firearms, in accordance with Federal and State laws, regulations, and policies of their bureau/office. No firearm other than Government-issued will be carried while on official duty except upon written authorization from the bureau/office head. Such authorization shall include the firearm serial number and a description of the handgun. The authorization will be recorded in the appropriate bureau/office files pertaining to the officer to whom such authorization is given. Law enforcement officers must qualify with all firearms which they are authorized to carry.

A. When performing law enforcement duties in uniform, law enforcement officers will carry firearms.

B. It shall be Departmental policy to carry and/or transport firearms and other defensive equipment aboard aircraft in accordance with Federal Aviation Regulations.

10.6 Types of Firearms.

A. Bureaus/offices will specify and standardize the type of firearms and ammunition to be used by law enforcement officers of that bureau/office (see 446 DM 12).

B. Bureau/office will establish supplemental guidelines covering automatic weapons,

which shall be subject to the approval of the Director, Office of Managing Risk and Public Safety (MRPS).

C. Compliance with the specifications and competitive acquisition standards delineated in the Federal Acquisition Regulations (FAR Parts 6, 10 and 11) will be adhered to in establishing firearms standards.

D. The following standards are established for routine law enforcement services. Bureaus/offices may deviate from these standards when circumstances warrant use of other specialized equipment. Such deviations will be reported in writing to the Director, MRPS, and will be concurred with by the bureau/office procurement officials.

(1) Handguns.

(a) For law enforcement purposes, each bureau/office may issue or authorize the purchase or carrying of firearms conforming to bureau/office specifications.

(b) No revolver or pistol chambered for ammunition of diameter less than .355 caliber is authorized. Authorized firearms will conform to bureau/office specifications.

(2) Shotguns. Riot type with rifle sights, 12 gauge, 18-20 inch barrel, with twin slide bar.

(3) Rifles. The make, model, and caliber to be determined according to the needs of the bureau/office and approved by the bureau/office head.

(4) Ammunition.

(a) Handgun/Rifle - only new, commercially manufactured cartridges will be used for qualification and duty use. The bullet weight and style will be at the discretion of the bureau/office according to need.

(b) Shotgun - No smaller than number 4 buckshot or rifled slug. Only new, commercially manufactured cartridges will be used for qualification and duty use.

10.7 Required Qualifications.

A. Proficiency Training. Prior to initial proficiency certification by a qualified instructor (see paragraph 10.7B(2), below), all Departmental employees authorized to carry firearms and other defensive equipment will be required to receive a minimum of 4 hours classroom training in safety, handling or firing. The training also includes the legal and moral aspects of the use of all types of firearms and other defensive equipment which they will be authorized to carry. This training shall be relevant to the employee's assignment. Evidence of this training shall be documented by a qualified instructor who is certified to instruct others on the proper use of the types of firearms and/or defensive equipment which will be carried by the employee.

B. Qualifications. All law enforcement officers authorized to carry firearms shall qualify at least semiannually, participating in an approved course of fire, with any and all Departmental-issued and/or approved personally-owned firearms, carried with the concurrence of the bureau/office. Departmental law enforcement officers must attain a score of 70 percent or more with each firearm they are authorized to carry.

(1) **Minimum Qualifying Score.** All bureaus/offices will require a score of 70 percent or more as the basic score for certification as proficient in the use of firearms. A score of less than 70 percent shall be considered unsatisfactory for purposes of the required semiannual firearms qualification. All firearms qualifications shall be conducted and documented by a qualified firearm instructor. The documentation shall be recorded in the employee's training records. Any person who fails to qualify with his/her primary handgun which he/she has been issued or authorized to carry may not perform any law enforcement duties which may require the carrying of a firearm. Any person who fails to qualify with any other firearm (i.e., rifle, shotgun, or any special firearm) may not perform law enforcement duties which require the carrying of that firearm and may not continue to carry that firearm until he/she is able to qualify and meet the minimum standards.

(2) **Firearms Instructors.** All firearms training shall be conducted and supervised by qualified firearms instructors. Firearms instructors, so designated by bureaus/offices within the Department, will be trained and certified according to standards established and approved by the Federal Law Enforcement Training Center (FLETC) or the Federal Bureau of Investigation (FBI). However, if no instructors with these certifications are available, an instructor certified by the State in which the firearms training is being conducted may supervise the employee's participation in a course of firearms approved by the Director, MRPS. Courses and training presented by other Federal agencies may be substituted, pending the approval of the Director, MRPS.

10.8 Actions to be Taken When Firearms Are Discharged. The following guidelines shall be followed whenever a law enforcement officer discharges a firearm, except during firearm training or legitimate wildlife management:

A. Each law enforcement officer who discharges his/her firearm will report the incident to his/her supervisor as soon as possible. A firearm may be discharged only as a last resort and when, in the considered opinion of the officer, there is imminent danger of death or serious injury to the law enforcement officer or to another person.

B. Upon notification that a firearm has been discharged, without injury to any person, a law enforcement supervisor will investigate the incident and submit a written report of his/her findings and recommendations, through appropriate channels, to the bureau/office's Senior Law Enforcement Official.

C. A report of the discharge of a firearm by an employee at an individual will follow prescribed procedures for Serious Incident Reporting (see 446 DM 17).

D. Upon notification that a law enforcement officer has caused injury or death with a

firearm, the person with designated responsibility will place the officer on administrative leave or assign the officer to administrative or non-law enforcement duties, pending a thorough investigation of all circumstances surrounding the incident by the appropriate law enforcement official, as determined by each bureau/office. A report of the investigation will be forwarded to the bureau/office Senior Law Enforcement Official, who will determine what action will be taken and forward his/her recommendations to the bureau/office head. A report of the incident will follow prescribed procedures for Serious Incident Reporting (see 446 DM 17).

E. Where the incident involves injury or death to a person, the bureau/office Senior Law Enforcement Official will promptly, through appropriate channels, notify the Director, MRPS.

F. Each bureau/office will establish procedures to provide a law enforcement officer who has been involved in any significant traumatic incident with counseling to assist the officer with possible after effects of the incident.

10.9 Use of Defensive Weapons. Defensive weapons may be used to gain control of an individual or group of individuals, or to effect an arrest, or to ensure the protection of the public, the law enforcement officer, and/or any arrestee. For the purpose of this chapter, the term "use" as applied to a firearm or any defensive equipment means the display, pointing or discharging at an individual. Bureaus/offices shall develop defensive weapons guidelines to ensure that law enforcement officers are properly trained and certified in the use of the defensive weapons they are authorized to carry. If the use of the defensive weapon results in serious injury or death, a report of the circumstances of the incident will follow prescribed procedures for Serious Incident Reporting (see 446 DM 17).

10.10 Use of Chemical Agents. Chemical agents should be used only when, in the opinion of the person using them, it is necessary to gain control of an individual or group of individuals or to effect an arrest; or to ensure the protection of the public or law enforcement officer(s), or any arrestee(s); or to apprehend dangerous violators of the law or persons who present a danger to themselves or others. Care should be taken to afford first aid to any person upon whom chemical agents have been used. Circumstances surrounding the use of a chemical agent should be reported to the law enforcement officer's supervisor as soon as possible. If the use of the chemical agent results in serious injury or death, a report of the circumstances of the incident will follow prescribed procedures for Serious Incident Reporting. Chemical agents should be replaced every 4 years or as recommended by the manufacturer. Disposal of the chemical agents shall be in accordance with prescribed environmental procedures.

10.11 Actions to be Taken When Force is Used.

A. Only the minimal force necessary to effect and maintain public order, protect human life or property, and/or arrest shall be used.

B. It will be the responsibility of each law enforcement officer to report to his/her supervisor, as soon as possible, the use of force against a person.

C. The supervisor shall investigate the occurrence and forward through channels a

written report, including recommendations, to the bureau/office Senior Law Enforcement Official.

D. If the use of the force results in serious injury or death, a report of the circumstances of the incident will follow prescribed procedures for Serious Incident Reporting (see 446 DM 17).

E. Whenever the use of force results in serious injury or death, the officer involved shall be immediately placed on administrative leave or assigned to non-law enforcement duty.

10.12 Inspection of Firearms and other Defensive Weapons. All firearms and other defensive equipment shall be inspected on a yearly basis and, more frequently, if required, to ensure that all items are serviceable and being properly maintained. All government-issued firearms and other defensive equipment found to be in need of repair will be immediately replaced. Each bureau/office will establish written procedures and guidelines for the inspection and servicing of firearms and other defensive equipment, including, at least, an annual inspection. The appropriate records shall be maintained.

10.13 Boards of Inquiry.

A. Each bureau/office will establish a Board of Inquiry to review incidents concerning:

- (1) The discharge of a firearm by a law enforcement officer at another individual,
- (2) The use of force by a law enforcement officer that results in the death or serious injury of another individual,
- (3) Any incident that results in the death or serious injury of a law enforcement officer, or
- (4) Any incident deemed appropriate for review by the Law Enforcement Administrator.

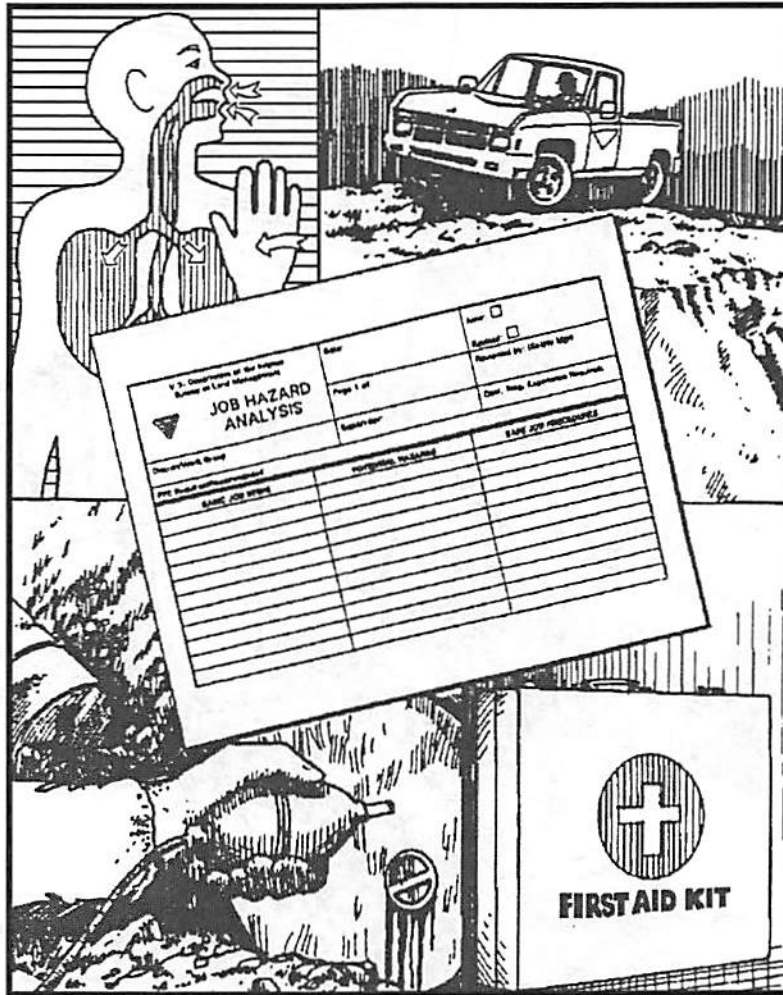
B. Each bureau/office shall ensure that the Board of Inquiry is authorized as the proper authority to complete the board's mission. The Board of Inquiry shall analyze all factors relating to the incident and shall prepare a report of its review and findings that will provide an analysis of the incident, any conclusions derived from the facts presented, suggest corrective actions, or make recommendations in an attempt to prevent the recurrence of a similar incident or improve the handling of future incidents.

10/4/00 #3335

Replaces 9/21/93 #446-1

EXHIBIT C

Safety and Health for Field Operations



BLM Manual Handbook 1112-2

U.S. Department of the Interior
Bureau of Land Management





TOPIC 17 FIREARMS SAFETY

H-1112-2
Safety and Health for Field Operations

17.1 References

- A. BLM Manual 9261.23H.
- B. State and Local Laws.

17.2 Procedures. State Directors may authorize non-law enforcement personnel to carry firearms when functions or circumstances related to their official duties necessitate such permission. Use of firearms by BLM personnel, while on official business, will be limited to those individuals who have been authorized by the State Director and have successfully completed a firearms safety course. Authorizations will be in writing and training documented. See Illustration 17-1 for an example of a request to carry and use firearms and training documentation.

- A. **Expiration of Firearms Authorization.** The authorization to carry a firearm shall expire:
 - 1. At the end of the calendar year; or
 - 2. Upon completion of the project; or
 - 3. If there is a change of duty station, status, or transfer; or
 - 4. Upon failure to demonstrate shooting proficiency as required; or
 - 5. If rescinded for any other reason.
- B. **Shooting Proficiency of Seasonal or Part Time Non-Law Enforcement Employees, or Full Time Employees That Have Occasional Need to Carry Firearms.** Seasonal or part time non-law enforcement employees, or full time employees that have only an occasional need to carry firearms, are required to demonstrate proficiency once at the

commencement of each term of employment period or the beginning of each field period requiring the use of firearms.

- 17.3 **Equipment.** The Bureau will only issue 12-gauge pump shotguns and solid slug ammunition for animal protection. Employees wishing to use their personal firearms must meet the minimum caliber and power requirements (30-06 or equivalent for rifles; 44 magnum or greater for sidearms), and complete the course of fire and a safety check of these firearms by an approved instructor. No reloads allowed.
- 17.4 **Firearms Certification for Non-Law Enforcement Personnel.** Only those non-law enforcement persons who are competent and qualified marksmen and have completed a firearms training program may be authorized to use or carry firearms. Such a course must consist of at least 4 hours of classroom time culminating in a prescribed shooting regimen at a firing range. The instructor administering the firing range component will be a certified Federal Law Enforcement Training Center graduate, Federal Bureau of Investigation officer, or a National Rifle Association Instructor.
- A. **Contents of Classroom Component of Firearms Training Course.** A firearms training course, classroom component, shall consist of the following subject matters.
1. Basic firearms safety review.
 2. Legal and moral aspects of firearms use.
 3. Animal behavior (optional).
- B. **Shooting Proficiency Component.** This portion of the Firearms Training Course will take place on the firing range under the control of an authorized instructor. The target for animal protection will be 8 1/2" by 11" in size and will be placed a distance of

15 yards from the firing line. Proficiency will require that 70 percent of the shots be on the target and that all sequences of shots be fired within the allowable time of 25 seconds. Each sequence will be done twice. Proficiency will also require the shooter to demonstrate proper safe handling of the firearm(s).

1. **Pump and semi-automatic shotguns:** two sequences of fire consisting of magazine capacity for the shotgun, plus one (i.e., Remington 870, 4 rounds in magazine, plus 1)
 - a. The shooter will start with a full magazine and empty chamber. The weapon will have the action closed and the safety on.
 - b. On the command to fire, the shooter will be required to fire the rounds in the magazine, then reload and fire one additional round. Upon completion, the shooter will open the action and ensure the safety is on. The time limit will be 25 seconds. Repeat.
2. **Double-barrel shotguns:** two sequences of fire consisting of 4 rounds per sequence.
 - a. Shooter will start with the shotgun fully loaded and the safety on.
 - b. On the command to fire, the shooter will be required to fire the two rounds of ammunition in the firearm, then load and fire two additional rounds. Upon completion, the shooter will open the action and ensure the safety is on. The time limit will be 25 seconds. Repeat.
3. **Rifles:** two sequences of fire consisting of magazine capacity for the rifle, plus one round (i.e., a bolt action rifle with magazine capacity of three rounds. The course will be four rounds for each sequence).

- a. The shooter will start with the magazine fully loaded. The action will be closed on an empty chamber and the safety on.
 - b. On command to fire, the shooter will fire the rounds in the magazine, then reload and fire one additional round. Upon completion, the shooter will open the action and ensure the safety is on. The time limit will be 25 seconds. Repeat.
4. **Handguns:** two sequences of fire, each consisting of cylinder/magazine capacity for the handgun.
- a. The shooter will start with a fully loaded handgun.
 - b. On the command to fire, the shooter will fire all rounds contained in the cylinder/magazine. Upon completion, the shooter will open the cylinder/slide and ensure the handgun is unloaded. The time limit will be 25 seconds. Repeat.
- 17.5 **Use of Firearms.** Bureau employees must observe all Federal, State, and local laws in regard to the licensing, use, transportation, etc., of firearms and ammunition. Bureau employees are prohibited at all times from using Government-owned vehicles or equipment for the express or incidental purpose of hunting, shooting, or transporting of game, hunters, firearms, or ammunition. Violators are subject to disciplinary action and/or prosecution under the law.
- A. **Firearms in Camp.** The use of firearms is prohibited in camp areas or during working hours by non-law enforcement personnel except when required for safety of personnel or if in the best interest of the Bureau.

B. Taking Game in Defense of Life or Property. As a job requirement, firearms may be carried in work areas and used if necessary for the protection of work parties from dangerous animals. The necessity of taking game animals must not be brought about by harassment or provocation of the animal or the unreasonable invasion of the animal's habitat.

C. If Bureau employees are specifically requested by local officials to carry firearms to help curb an epidemic of rabid animals; for reduction of undesirable, crippled, or infected animals; or other authorized reasons such as cone harvesting, the appropriate caliber and purpose must be expressed in the letter of authorization.

1. Game animals taken may become property of the state. Different parts of the animal may have to be provided to the state for administrative reasons. This may have to be done in required timeframes. Bureau personnel should check local regulations prior to carrying a firearm.

17.6 Firearms and Ammunition Storage. All firearms, when not in active use, shall be stored in a secure place, out of sight, under lock and key. Firearms will be unloaded prior to storage.

Illustration 17-1

Form OR-1112-18
(October 1987)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Oregon State Office

REQUEST TO CARRY AND USE FIREARMS

Full Name: _____ Date of Birth: _____
Sex: Female Male _____
District: _____ Area/Division: _____
Duties requiring employee to carry/use firearms: _____

Firearms Information

Firearm(s) to be used: Caliber: _____ Make: _____ Model: _____
Serial No.: _____ Registered owner: _____

Employee Safety Requirements

Firearms Safety Course Attended (minimum 4 hours in safety, handling, firing, and legal/moral aspects of the use of firearms):

Course Name: _____ Date Attended: _____
Certifying Official/Instructor: _____
Course Sponsor (NRA, FLETC, FBI): _____

Non-law enforcement employees authorized to carry firearms in the course of employment must demonstrate their shooting proficiency (70% or better); permanent employees twice a year; seasonal or part-time employees once a year or at the commencement of each term of employment.

Proficiency Certification: _____ by _____
Date Approved Instructor
_____ by _____
Date Approved Instructor

Authorization Required (Dates): From _____ To _____

Location(s) Required: _____

Illustration 17-1 (cont)

Employee Criminal History Waiver

I authorize the Oregon State Office Law Enforcement Staff to use the above information to run a warrants check on me.

	_____	_____
	Employee Signature	Date
Recommended:	_____	_____
	Supervisor	Date
Recommended:	_____	_____
	Area Manager/Dir. Chief	Date
Concur:	_____	_____
	Safety Manager	Date
Concur:	_____	_____
	District Manager	Date

For State Office Use Only

Wants/Warrants Check: Satisfactory _____ Unsatisfactory _____ Date _____
 Comments: _____

Firearm appropriate for task: Satisfactory _____ Unsatisfactory _____ Date _____
 Comments: _____

 Law Enforcement Staff

Employee Training: Satisfactory _____ Unsatisfactory _____ Date _____

Shooting Proficiency: Satisfactory _____ Unsatisfactory _____ Date _____

 State Safety Manager

Privacy Act Statement

Section 552a(k)(5) of Title 5 of the U.S. Code authorizes collection of this information. The primary use of the records is to identify employees having security clearances and their degree of security clearance. Disclosures outside the Department of the Interior may be made: (1) to the U.S. Department of Justice related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license, (3) from the records of an individual in response to an inquiry from a Congressional office made at the request of that individual, (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit, (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant, or other benefit.

Where the employee identification number is your Social Security Number, collection of this information is authorized by Executive Order 9837. Furnishing the information on this form, including your Social Security Number, is voluntary, but failure to do so may result in disapproval of this request.

If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.

H-1112-2
Safety and Health for Field Operations

EXHIBIT D

GRAHAM - HITCH MORTUARY

4167 First Street
Pleasanton, CA 94566
(925)846-5624

July 17, 2015

Mr. James Reeder Steinle
1389 Vailwood Court
Pleasanton, CA 94566

The Funeral Service for Kathryn Michelle Steinle

We sincerely appreciate the confidence you have placed in us and will continue to assist you in every way we can. Please feel free to contact us if you have any questions in regard to this statement.

THE FOLLOWING IS AN ITEMIZED STATEMENT OF THE SERVICES, FACILITIES, AUTOMOTIVE EQUIPMENT, AND MERCHANDISE THAT YOU SELECTED WHEN MAKING THE FUNERAL ARRANGEMENTS.

Special Charges	
Direct Cremation	1,595.00
Total Special Charges	1,595.00
Merchandise	
Alternative Container	100.00
Total Merchandise Selected	100.00

AT THE TIME FUNERAL ARRANGEMENTS WERE MADE, WE ADVANCED CERTAIN PAYMENTS TO OTHERS AS AN ACCOMMODATION. THE FOLLOWING IS AN ACCOUNTING FOR THOSE CHARGES.

Cash Advances	
Certified Death Certificates	210.00
DCA fee	8.50
Total Cash Advances	218.50
	Total Sales Tax 9.50
	Total Contract 1,923.00
07/17/15	Payment 1,923.50
07/17/15	Overpayment Refund -0.50
	TOTAL AMOUNT DUE 0.00

The unpaid balance over 1 days is subjected to a 1 % service charge per month - 12 % per annum.

Page: 1 of 1

PAID

ATTACHMENT 3



Explanation of Health Care Benefits

CHECK # 0003402670 3420 0101000000040
 PAGE 0001 OF 0001
THIS IS NOT A BILL. This is an explanation of the claim processed based on your plan benefits in effect when the service was performed.
 Please keep this form for your tax records.

Blue Cross and Blue Shield of Minnesota and Blue Plus are separate independent licensees of the Blue Cross and Blue Shield Association
 P.O. Box 64560
 St. Paul, MN 55164-0560

See reverse side for Complaint/Appeal, Fraud and other important information.

KATHRYN STEINLE
 570 BEALE ST APT 402
 SAN FRANCISCO CA 94105-2024

Easily find a provider, see your claims, your plan, health programs and wellness info all in one place. Visit the myBlueCross online member center. Sign in at www.bluecrossmn.com/mdt

Year to Date Deductible 500.00

Contact: For Customer Service - Please Call:

NO LOCAL NBR OR TOLL FREE 1-888-832-7360

Patient ID	Group/Policy			Date Received	Date Processed	Claim Number
XZ8777372	MEDTRONIC INC	OHDT030F1		07/13/15	07/17/15	5196414207000
Subscriber/Member Name		KATHRYN STEINLE				
Patient Name		KATHRYN STEINLE				
Provider		SFGH MED GRPDEPT OF ANESTHESIA				
Patient Control Number		519000294I3HO				
Dates of Service		From 07/01/15 To 07/01/15	From	From	From	From
Description		SURG/ANEST				
Charges		4,395.00				
Provider Responsibility Amount						
Allowed Amount		4,395.00				
Amount Paid By Other Insurance						
Deductible Amount		500.00				
Copay Amount						
Coinsurance Amount		779.00				
Paid Amount		3,116.00				
Patient Noncovered Amount						
Amount You Owe		1,279.00				
Notes ID		1				

Notes

1 MEDTRONIC HRA PLAN PARTICIPANTS:
 THE TOTAL AMOUNT YOU OWE WILL BE DEDUCTED FROM YOUR HRA BALANCE, PROVIDED THE EXPENSES MEET THE TERMS AND CONDITIONS OF THE PLAN. IF YOUR HRA BALANCE IS ZERO, YOU ARE RESPONSIBLE FOR PAYING THE PROVIDER WHEN BILLED.

Total Charges	4,395.00
Total Benefit Amount	3,116.00
Total Amount Paid by Other Insurance	0.00
Total Amount You Owe	1,279.00



Blue Cross and Blue Shield of Minnesota and Blue Cross and Blue Shield of Wisconsin are nonprofit independent members of the Blue Cross and Blue Shield Association
 P.O. Box 84880
 St. Paul, MN 55164-0580

KATHRYN STEINLE
 570 BEALE ST APT 402
 SAN FRANCISCO CA 94105-2024

Explanation of Health Care Benefits

PAGE 0001 OF 0001
 3420 010100002015:

THIS IS NOT A BILL. This is an explanation of the claim processed based on your plan benefits in effect when the service was performed. Please keep this form for your tax records.

See reverse side for Complaint/Appeal, Fraud and other important information.

Easily find a provider, see your claims, your plan, health programs and wellness info all in one place. Visit the myBlueCross online member center. Sign in at www.bluecrossmn.com/mdt

Year to Date Deductible 500.00

Contact: For Customer Service - Please Call:

NO LOCAL NBR OR TOLL FREE 1-888-832-7360

Patient ID	Group/Policy			Date Received	Date Processed	Claim Number
XZ8777372	HEDTRONIC INC	..	OHDT030F1	07/10/15	07/17/15	5196421151000
Subscriber/Member Name		KATHRYN STEINLE				
Patient Name		KATHRYN STEINLE				
Provider		SAN FRANCISCO FIRE DEPART				
Patient Control Number		4JLHNV4-254863				
Dates of Service		From 07/01/15 To 07/01/15	From	From	From	From
Description		AMBULANCE				
Charges		2,044.00				
Provider Responsibility Amount						
Allowed Amount		2,044.00				
Amount Paid By Other Insurance						
Deductible Amount						
Copay Amount						
Coinsurance Amount		408.80				
Paid Amount		1,635.20				
Patient Noncovered Amount						
Amount You Owe		408.80				
Notes ID		1				

Notes

1 MEDTRONIC HRA PLAN PARTICIPANTS:
 THE TOTAL AMOUNT YOU OWE WILL BE DEDUCTED FROM YOUR HRA BALANCE, PROVIDED THE EXPENSES MEET THE TERMS AND CONDITIONS OF THE PLAN. IF YOUR HRA BALANCE IS ZERO, YOU ARE RESPONSIBLE FOR PAYING THE PROVIDER WHEN BILLED.

Total Charges	2,044.00
Total Benefit Amount	1,635.20
Total Amount Paid by Other Insurance	0.00
Total Amount You Owe	408.80