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January 29, 2020

**VIA FIRST CLASS MAIL**  
**AND VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

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Notice of Claim – Aris Lobo-Perez

January 29, 2020

Page 2

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Chief David Underwood  
Radford University Police Department  
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East Main and University Drive  
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**Re: *Aris Lobo-Perez (deceased)***

***Date of Incident: September 11, 2019 – September 12, 2019***

***Date of Birth: December 19, 2000***

**NOTICE OF CLAIM**

To Whom it May Concern:

This firm represents Quenia Dixiana Perez (“Ms. Perez”), as Personal Representative of the Estate of Aris Lobo-Perez (“Mr. Lobo-Perez”), her son, in connection with claims arising out

of Mr. Lobo-Perez's tragic and inexcusable death while in the custody of: Radford University ("RU"), the Radford University Police Department ("RUPD"); the New River Valley Regional Jail Authority ("the Jail Authority"); the Commonwealth of Virginia, Bland County, Carroll County, Floyd County, Giles County, Grayson County, Pulaski County, Wythe County, and the City of Radford (collectively, the "Municipalities"); and/or, law enforcement officers, correctional officers, sheriffs, deputy sheriffs, agents, contractors, and/or employees of RU, the RUPD, the Jail Authority, and the Municipalities. To the extent necessary, this letter shall serve as a notice of claim pursuant to Va. Code Ann. § 15.2-209 and Va. Code Ann. § 8.01-195.6.

The incident giving rise to this claim began on or about September 11, 2019, and culminated in Mr. Lobo-Perez's death on September 12, 2019, at the New River Valley Regional Jail ("NRVRJ"). The locations of the incident giving rise to this claim are the campus, the NRVRJ, and any areas covered during RUPD's transport of Mr. Lobo-Perez from the campus to the NRVRJ.

RUPD arrested Mr. Lobo-Perez on the RU campus around 10:30 p.m. on September 11, 2019, for public intoxication. At the time of his arrest, Mr. Lobo-Perez, was, *inter alia*, visibly intoxicated, slurring his words, having trouble with ambulation, and foaming at the mouth. Mr. Lobo-Perez's symptoms made it obvious to any observer, let alone an emergency responder, that he was in clear need of medical assistance. RUPD personnel transported Mr. Lobo-Perez to NRVRJ instead of providing or obtaining the medical assistance that Mr. Lobo-Perez required.

Upon information and belief, once Mr. Lobo-Perez arrived at NRVRJ, NRVRJ personnel failed to perform a proper intake, failed to identify that Mr. Lobo-Perez was in need of serious medical attention, and failed to provide or obtain the medical attention that Mr. Lobo-Perez required given his condition. Upon information and belief, NRVRJ personnel failed in all of these areas despite Mr. Lobo-Perez continuing to exhibit symptoms requiring immediate medical assistance, and Mr. Lobo-Perez reporting that he had asthma which was worsening and required an inhaler. Instead of providing or obtaining the needed medical assistance, NRVRJ personnel placed Mr. Lobo-Perez into a holding cell and left him there to die. Once NRVRJ personnel placed Mr. Lobo-Perez into the holding cell, they failed to properly monitor Mr. Lobo-Perez in a manner that would have identified Mr. Lobo-Perez's ongoing medical needs.

Mr. Lobo-Perez died from the failures and deliberate decisions of RU, the RUPD, the Jail Authority, NRVRJ, and/or personnel and/or law enforcement officers, correctional officers, sheriffs, deputy sheriffs, agents, contractors, and/or employees of RU, the RUPD, the Jail Authority, NRVRJ, and/or the Municipalities, including, *inter alia*, those failures described above. Mr. Lobo-Perez is survived by his mother, two sisters (one of which is Mr. Lobo-Perez's twin), his brother, and family and friends who loved him dearly.

Upon information and belief, the entities/persons liable for Mr. Lobo-Perez's death are RU, the RUPD, the Jail Authority, NRVRJ, and/or the Municipalities, and/or the law enforcement officers, correctional officers, sheriffs, deputy sheriffs, agents, contractors, and/or employees of RU, the RUPD, the Jail Authority, and the Municipalities. However, others who may be liable may be identified after the service of this notice. Ms. Perez intends to seek damages from RU, the RUPD, Jail Authority, NRVRJ, and/or the Municipalities, and/or agents,

contractors, and/or employees of RU, the RUPD, Jail Authority, NRVJR, and/or the Municipalities, based upon common law claims, statutory claims and civil rights claims (pursuant to 42 U.S.C. §§1983 *et seq.*).

This includes claims arising out of the violation of Mr. Lobo-Perez's constitutional rights by individuals acting under color of state law. This includes claims for failing to properly screen, monitor, and provide necessary medical treatment to Mr. Lobo-Perez. This also includes claims based on RU's, the RUPD's, Jail Authority's, NRVJR's, and/or the Municipalities' failure to provide adequate training for RUPD and/or NRVJR personnel with regard to intake and monitoring of pre-trial detainees, and providing medical assistance to individuals in their custody. Ms. Perez's claims include claims based on actions taken by RU, the RUPD, NRVJR, Jail Authority, Municipalities, other government personnel, and/or law enforcement officers, correctional officers, sheriffs, deputy sheriffs, agents and/or employees of RU, the RUPD, NRVJR, Jail Authority and the Municipalities with gross negligence and/or malice. At all relevant times, all persons involved in the above-described acts, including all RU, RUPD and NRVJR staff, were acting under the color of law and/or in the scope of their employment and/or agency with, RU, the RUPD, the Jail Authority and/or Municipalities.

We hereby demand that RU, the RUPD, NRVJR, Jail Authority, Municipalities, you and your employees/agents preserve without alteration, spoliation, amendment or destruction, all evidence (including electronically-stored information) that relates, reflects or refers to this incident, including, but not limited to: (1) all medical records, documents, lists, reports, and opinions that relate to Mr. Lobo-Perez; (2) any documentation in connection with Mr. Lobo-Perez's arrest on September 11, 2019; (3) all intake, housing, and other documentation relating to Mr. Lobo-Perez's time at the NRVJR; (4) any and all documents concerning any investigation into Mr. Lobo-Perez's arrest, custody at NRVJR, and/or death; (5) all videos and photographs in any way relating to the incident, including, but not limited to, any body cam footage captured at the time of Mr. Lobo-Perez's arrest on September 11, 2019, and, any surveillance camera footage from within the NRVJR during the period Mr. Lobo-Perez was present there; (6) personnel files for anyone who came into contact with Mr. Lobo-Perez; (7) all training materials used in training any and all RUPD and NRVJR staff; (8) all policies in place at the RUPD and NRVJR during the at the time of the incident; and, (9) any other document or thing that could in any way be construed to be relevant to this incident.

Please confirm receipt of this notice in writing and call me if you would like to discuss this matter further. Please forward this notice to any other person, entity or municipality that you believe may be liable for this incident and/or was responsible for the custody, care and control of Mr. Lobo-Perez from the time of his arrest on September 11, 2019, through the time of his death.

Very truly yours,



Peter C. Grenier

cc: Ms. Dixiana Perez