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September 2, 2015

FOR IMMEDIATE RELEASE

Re: Allan DeVillena, et al. v. City of Palm Springs, et al.

Case No. EDCV 13-00610-VAP (SPX)

Honorable Virginia A. Phillips, U.S. District Court Judge, Presiding

The DeVillena Wrongful Death Civil Rights case, in which U.S. Marine Corporal Allan “AJ” DeVillena, Jr. was tragically shot and killed by Officers Chad Nordman and Mike Heron, settles for \$2.576 Million.

Lawyers for the grieving parents of slain U.S. Marine Corporal Allan “AJ” DeVillena, Allan DeVillena Sr. and Beatriz Orozco, announce a \$2.576 million settlement in their federal wrongful death civil rights case against the City of Palm Springs and two of its police officers: Chad Nordman and Michael Heron.

In the early morning hours of November 10, 2012, Officers Nordman and Heron encountered Corporal DeVillena and his friend, both enlisted Marines, as they were preparing to drive out of a parking structure. The officers, who were assigned to patrol the area on bicycles, claim that Cpl. DeVillena made derogatory comments about them. As the car was slowly pulling away, Officer Nordman drew his gun and dove into the open passenger window of the car, so that his feet were dangling out of the window and his gun was grazing Cpl. DeVillena’s head. Then Officer Heron, standing out of harm’s way to the rear of the car, opened fire at the driver, striking Cpl. DeVillena repeatedly, after which Nordman also opened fire, shooting repeatedly at point blank range. AJ DeVillena died at the scene, in handcuffs the officers applied after the shooting rather than administering first aid.

In their lawsuit, DeVillena’s parents alleged that the officers used excessive and unreasonable force that led to the wrongful death of their son. DeVillena’s family was also highly critical of the “tactics” employed by the officers. After the shooting, the *Desert Sun* newspaper obtained the City’s investigation file regarding the shooting and submitted it to three independent police practices experts for their consideration: “All three experts agreed that Nordman’s dive into the fleeing car made the confrontation worse, not better. If the officer had not jumped into the car,

putting himself in danger, it is unlikely a shooting would have occurred at all, the experts said.” Trial in the DeVillena lawsuit was scheduled to begin on September 8, 2015.

Benjamin Schonbrun, one of the lawyers for Allan DeVillena and Beatriz Orozco stated: “This settlement brings to a conclusion the civil rights case but the struggle for justice against police brutality by the DeVillena family continues. We know that the parents and friends of AJ remember him as the honorable man that he was. The parents of AJ are determined to use the unthinkable tragedy of losing their son to seek reform of police tactics in the use of deadly force so that another family does not unjustly suffer in this way.” Aidan McGlaze, also counsel for the family, added: “It is our hope that, with litigation concluded, the City and its officers will take formal steps to acknowledge the horrible mistakes that led to this tragedy, and to ensure that policy is clarified so it never happens again.”

AJ DeVillena was born on April 28, 1990 to parents Allan DeVillena and Beatrice Orozco. His parents have described him as a hardworking, fun-loving, charismatic and caring person who was well loved by many. His parents were extremely proud when he enlisted in the U.S. Marine Corps on January 12, 2009, to honor his paternal grandfather, Avelino, who had a distinguished career in the U.S. Navy. AJ attended Basic Training at the Marine Corps Recruit Depot in San Diego. As part of the Combat Logistics Battalion, Headquarters Platoon, Transportation and Service Company, he honorably deployed to Afghanistan from March 26, 2011 to October 20, 2011 as part of “Operation Enduring Freedom.” In Afghanistan, he participated in training and combat service support operations. The U.S. Marine Corps promoted Allan DeVillena II to Corporal on February 1, 2012.

The DeVillena family is represented by attorneys Benjamin Schonbrun, Aidan C. McGlaze, Michael D. Seplow, and Raya Marinova of Schonbrun DeSimone Seplow Harris & Hoffman LLP, and Dale K. Galipo and Thomas C. Seabaugh of The Law Offices of Dale K. Galipo.

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