

NOTICE OF CLAIM PURSUANT TO UTAH CODE § 63G-7-401

August 5, 2022

Via Certified Mail
Return Receipt Requested

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Re: Claimants — Joseph & Tara Petito and Nichole & Jim Schmidt on their own behalf and on behalf of the Estate of Gabrielle Venora Petito, deceased

Date of Loss— On or about August 27, 2021. (Gabby's remains were discovered on September 19, 2021. Her interaction with Moab City Police occurred on August 12, 2021.)

To Whom it May Concern:

Pursuant to the Utah Governmental Immunity Act, Utah Code § 63G-7-401, Joseph and Tara Petito and Nichole and Jim Schmidt hereby serve this Notice of Claim on their own behalf and on behalf of their daughter, Gabrielle ("Gabby") Venora Petito, deceased, against the Moab City Police Department and against department employees Chief Bret Edge, Assistant Chief Braydon Palmer, Officer Eric Pratt, Officer Daniel Robbins and Jane/John Does 1-10 ("Defendants").

Statement of Facts

Brian Laundrie murdered Gabby Petito by strangling her and savagely inflicting blunt force trauma to her head. He murdered her shortly after the Moab City Police Department failed to adequately respond to reports and evidence of domestic violence between Brian and Gabby.

Many facts related to this matter were widely reported in national and international media. The following briefly summarizes the primary events relevant to this notice.

Gabby was an aspiring travel influencer, a "van-lifer" who documented her travels on social media. In the summer of 2021, she and her fiancée, Brian, were on a months-long trip visiting the western United States.

On August 12, 2021, Gabby and Brian visited Moab, Utah. They spent much of the day in a coffee shop, where Gabby worked on her social media business. Afterward, on the sidewalk outside of the Moonflower Community Cooperative, Brian and Gabby began to fight. A witness described them as "talking aggressively" in a way that led the witness to believe that "something seemed off." The witness saw Brian take Gabby's phone, get into their van, and attempt to block Gabby from getting into the van. Gabby eventually climbed over Brian to get into the van. The witness's impression was that Brian appeared to be attempting to leave Gabby after taking her phone.

Another witness to that incident called 911 and reported seeing Brian Laundrie "slapping" Gabby and that he "hit her" while chasing her up and down the sidewalk before getting into their van and driving away. Police dispatch alerted officers to the report, including the fact that a witness had seen Brian assault Gabby.

Officer Daniel Robbins found Brian and Gabby's van driving on the highway out of town. He saw it speeding, crossing the double yellow line, and swerving to hit the curb before stopping near the entrance to Arches National Park. Soon Officer Pratt and two park rangers joined Officer Robbins at the scene. The officers separated Brian and Gabby in order to speak with them individually.

When speaking with Gabby, Officer Robbins noted that she was visibly in crisis, "crying uncontrollably." According to Officer Robbins' report, at no point during his interactions with Gabby did she "stop crying, breathing heavily, or compose a sentence without needing to wipe away tears, wipe her nose, or rub her knees with her hands." He later explained that she "didn't seem fully coherent to the world; not like she was intoxicated or under the influence, but her mind went into the black zone so to speak." Officer Robbins also saw cuts on Gabby's cheek and arm. Gabby demonstrated how Brian had violently grabbed her face during their altercation and explained that Brian "gets frustrated with me a lot."

Indeed, the cut to Gabby's face was much more serious than may have been apparent in the body cam footage. Another photo taken at the time, which has not yet been released publicly, shows a close-up view of Gabby's face where blood is smeared on her cheek and left eye, revealing the violent nature of Brian's attack. The photo shows that Gabby's face was grabbed across her nose and mouth, potentially restricting her airway. When asked about her fight with Brian, Gabby displayed the classic hallmarks of an abused partner, attempting to take blame for the fight because she had hit Brian first and that she did not want to be separated from him. Whether for lack of training or refusal to follow their training, the officers did not press further.

Brian told Officer Robbins that he and Gabby had been under increasing emotional strain, which led to them arguing more frequently over the previous few days. Brian claimed that when they were outside the co-op, Gabby believed Brian was trying to leave her in Moab without her cell phone, so she attempted to slap him. To avoid being slapped, Brian admitted he pushed Gabby away. He admitted taking her cell phone because, he said, "I don't have a phone," and he was afraid that "if she goes off without me, I'm on my own." But later in his interview with the officers, Brian pulled his own phone from his pocket and gave the officers his number. Brian also claimed that he had been attempting to separate himself from Gabby by convincing her that they should take separate walks in downtown Moab, apparently contradicting witnesses who had seen him attempting to leave in the van without Gabby.

The officers did not question Brian about the inconsistencies in his version of events. Instead, they determined that Gabby was the primary aggressor, and that Brian was a potential victim of domestic violence. Based on that determination, Officer Pratt explained to Brian and Gabby that the officers lacked any discretion but were required to charge Gabby and take her to jail. He also explained that Utah law automatically imposes a no-contact order to keep the parties to a domestic dispute separate, and that Brian would need to sign a waiver of that order in the morning if he wanted to reunite with Gabby. Both Brian and Gabby pleaded for some other way of resolving the problem.

Officer Pratt called Assistant Chief Palmer to seek assistance on how to handle the situation. Chief Palmer instructed Officer Pratt to carefully read the assault statute and decide whether the situation satisfied the statute. Officer Pratt googled the statute. After reading only the first half of the statute, Officer Pratt decided—incorrectly—that Utah law only recognizes assault if the perpetrator intended to cause bodily injury. Based on that incomplete and incorrect understanding of the law, Officer Pratt questioned Gabby about whether she intended to cause Brian bodily injury when she hit him. Gabby said no.

Officer Pratt—the significantly more senior officer—told Officer Robbins to decide what to do. Officer Robbins said that he didn't entirely believe Gabby and decided to prepare a crime report. He decided not to impose charges at that time, but to allow the city attorney to screen the report and decide whether to press charges. Despite previously stating that he would support Officer Robbins' decision, Officer Pratt pushed back, warning Officer Robbins that if Brian and Gabby "strongly disagree with his decision, and they throw a complete fit, you might hear about it in a very negative way."

One of the park rangers on the scene also pushed back, explaining that she would rather be "dinged for a decision I made than a decision I didn't make." Officer Pratt added, "especially if they think you were completely negligent in your decision." Even so, Officer Pratt again told Officer Robbins that he would support Officer Robbins' decision.

Officer Robbins then decided to issue a citation for domestic assault and go through the typical process. Again, despite repeated assurances that he would support Officer Robbins' decision, Officer Pratt asked if Officer Robbins would feel more comfortable responding to another dispatch call that had recently come in. Officer Robbins said he was uncertain of how to proceed. Officer Pratt suggested that the officers could separate Brian and Gabby for the night but take no further action. Officer Pratt suggested that if Brian and Gabby later found each other it wouldn't be the officers' responsibility. Consistent with Officer Pratt's suggestion, Officer Robbins found a place for Brian to stay for the night through a local domestic violence organization, Seekhaven, while allowing Gabby to keep and sleep in their van.

While the police interviewed Brian and Gabby, Gabby was on the phone with her parents. They demanded that Gabby fly home to get away from Brian, offering to pay for her ride to Salt Lake City and her flight home. But upon learning the police were involved, they accepted Gabby's assurances that she should continue her trip.

Roughly two weeks later, Brian brutally murdered Gabby, leaving her body in the woods of Grand Teton National Forest.

In a subsequent review of the Moab police officers' handling of the incident, an independent investigator concluded that the officers made several mistakes and could not rule out that Gabby's murder might have been prevented if the officers had handled the situation properly.

Nature of Claims

Joseph and Tara Petito and Nichole and Jim Schmidt hereby provide notice of claims for negligence that they intend to bring on their own behalf and on Gabby's behalf against the Moab Police Department, Assistant Chief Palmer, Officer Pratt, Officer Robbins, and Jane/John Does 1-10 ("Defendants") for their negligent failure to understand and enforce the law of the State of Utah, to investigate Brian's self-evidently false claims during their interviews with him, to properly train the officers to investigate domestic violence situations, and to properly assess the circumstances, including to identify Brian as the true primary aggressor.

Additionally, Joseph and Tara Petito and Nichole and Jim Schmidt intend to bring claims on their own behalf and on Gabby's behalf for wrongful death against the Defendants on the ground that Gabby's death was caused by their wrongful acts or neglect. Utah Code § 78B-3-106(1) (providing "when the death of a person is caused by the wrongful act or neglect of another, his heirs, or his personal representatives for the benefit of his heirs, may maintain an action for damages against the person causing the death").

Damages Incurred

As a result of the Defendants' wrongful acts and neglect, Joseph and Tara Petito's and Nichole and Jim Schmidt's daughter was brutally murdered. Although their damages are not amenable to precise calculation, they have suffered, among other things, a loss of society, comfort, association, love, counsel, care, consortium and protection, loss of the reasonable expectation to associate with Gabby, the value of services Gabby would have provided, and other special and general damages.

Similarly, as a result of the Defendants' wrongful acts and neglect, Gabby suffered personal injuries resulting in death, pain, emotional distress, mental anguish, impaired earning capacity, lost wages, and other general and special damages.

Joseph and Tara Petito and Nichole and Jim Schmidt are seeking $50,000,000.00 in damages based on the claims set forth above.

Sincerely,
PARKER & McCONKIE



Brian C. Stewart



Steve Jensen
Attorneys for Joseph and Tara Petito and Nichole and Jim Schmidt