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Civil Lawsuit filed Police Shooting Death of Oscar Herrera

October 14, 2021

Romanucci & Blandin, LLC and Pitt McGehee Palmer Bonanni and Rivers together announce the filing of a civil lawsuit for the police shooting death of Oscar Herrera in Hillsdale County, Michigan. Adam Burlew, a Deputy from the Hillsdale County Sheriff's Department shot and killed Mr. Herrera on April 28, 2021. Initial reports say Deputies were called to Mr. Herrera's home in Reading Township after complaints about his dog, but when the Deputy arrived both the dog and Herrera were inside his home. The dog later bit the Deputy, who shot and killed the animal. The 32-year-old was upset about the death of his dog, and police say Mr. Herrera confronted the Deputy and was shot and killed at the scene.

The complaint was filed October 13, 2021 in the United States District Court, Western District of Michigan on behalf of Oscar's mother, Guadalupe Herrera. It names the Hillsdale County Sheriff Scott Hodshire in his official capacity and Deputy Adam Burlew in his individual capacity. The multi-count complaint details Monell claims which refer to unconstitutional policies and practices within the department, Fourth Amendment violations for Deputy Burlew's use of unreasonable deadly force, Fourteenth Amendment violations for the failure of the deputy to render medical treatment to Oscar, along with negligence, assault and battery. The lawsuit seeks both damages and injunctive relief, or change, within the Sheriff Department.

"The filing of the lawsuit for the shooting death of Oscar Herrera explains the details of what happened that day and shows that it was preventable. The deputy's conduct is a direct result of how he was trained, and the tragic lack of compassion and common sense used by members of the department. The Sheriff and the Deputy will be held accountable for the 'shoot first and ask questions later' decision making that cost Oscar Herrera his life," said Ian P. Fallon, Attorney, Romanucci & Blandin, LLC.

"It is impossible to quantify the impact of a traumatic death of this nature on the family. But the family does not grieve alone, and this loss reverberates throughout Michigan community, making incredibly clear the need for accountability and change in the Hillsdale County Sheriff's Department," said Robert Palmer, Managing Partner, Pitt McGehee Palmer Bonanni and Rivers.

"The day Oscar was born was the happiest day of my life, and the warmth a mother feels for her son is incredible. The day they tore him away from us was the darkest day and changed my life forever. He was my only child, and in his death my family line ends. I will not have any grandchildren. This is why I stand before you seeking justice for my son," said Oscar's mother, Guadalupe Herrera.

To learn more about police misconduct cases involving a deadly or wrongful shooting visit <https://www.rblaw.net/practices-deadly-or-wrongful-shooting>.

About Romanucci & Blandin, LLC

Romanucci & Blandin is a national trial practice committed to fighting for victims of negligence, abuse and wrongful death arising from police misconduct, corporate negligence, civil rights actions, medical malpractice, mass torts and class actions. The attorneys' steadfast commitment to fighting for those seeking justice around the country has helped the firm obtain multiple verdicts and settlements in the millions of dollars. The Chicago-based personal injury lawyers are dedicated to providing victims who suffered injury as a result of another's wrongdoing full and fair compensation in a diligent, professional, skilled and caring manner. The lawyers actively support their communities and provide advocacy at the national, state and local levels on issues that support the U.S. tort system. Founded in 1998, Romanucci & Blandin is widely recognized for representing plaintiffs in numerous practice areas including: personal injury, wrongful death, medical malpractice, workers' compensation, pharmaceutical, mass torts, civil rights, police misconduct, excessive force, aviation, product liability and premises liability. For more information about Romanucci & Blandin, please visit www.rblaw.net or call (312) 458-1000.

About Pitt McGehee Palmer Bonanni and Rivers

Pitt McGehee Palmer Bonanni and Rivers is one of Michigan's largest law firms specializing in civil and workplace rights. In addition to fair housing laws, its attorneys represent clients in a wide range of actions, including police misconduct, sexual harassment, wrongful discharge, wage and hour violations, whistleblower issues and discrimination based on age, gender, disability, race and national origin. More at PittLawPC.com.