

Record \$1 Million Settlement Approved by City Council in National City Police Wrongful Death Suit

According to National City, the wrongful death settlement following Brian Umana's fatal 2021 shooting is the largest payment of its kind in the city's history.

SAN DIEGO, CA, UNITED STATES, February 11, 2025 /EINPresswire.com/ -- The City Council for National City has formally approved a record \$1 million settlement following the fatal shooting of a father who was suffering a mental-health episode in 2021. Attorneys from McKenzie Scott PC, together with Brian Umana family's co-counsel Emily Howe, secured the \$1 million settlement after bringing a lawsuit against the National City Police Department (US District Court, Southern District of California case number 22-cv-01657-GPC-SBC.) According to the defendants, the settlement was the largest police wrongful death payment in the city's history.

McKENZIE.....
SCOTT



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San Diego civil rights lawyers

The suit was filed on behalf of Brian Umana, a 28-year-old father who lived with bipolar disorder. Umana was shot at least 10 times by police officers –including in the back – while experiencing a mental-health crisis. The shooting occurred at 4:30 a.m. on October 8, 2021, near a self-storage facility.

[San Diego civil rights attorney Tim Scott](#), who represented Umana's family, noted that "while the defendants tell us that the settlement is the largest police wrongful death payment in National City's history, it does not even begin to reflect the loss to Brian Umana's family."

Scott added: "The truth is that police shot a man to death because he was suffering a profound

mental-health crisis. This situation called for ‘time and space’—that is, a de-escalation of violence. Our community, including those who suffer from mental health issues, deserves better.”

[McKenzie Scott civil rights attorney Marcus S. Bourassa](#), who led the litigation effort, stated, “The officers all testified under oath in this case that their department trained them specifically that escalation is a de-escalation strategy. But escalation doesn't mean de-escalation any more than wrong means right and their culture and training killed this man. This case may be ending, but the City should take a close look at whether its escalation culture is keeping people safe or placing us all in harm's way.”

[Civil and human rights attorney Emily Howe](#) met Brian's family during the holiday break right before the case was about to be thrown out. “Families mourning the loss of a loved one deserve transparency, accountability, and understanding, where the truth is revealed, a true promise to do better, and justice as a small step in grieving,” Howe said.

“This case serves as a reminder that no family should ever endure such a loss. When individuals in crisis are met with force or neglect rather than care and understanding, the response can be unnecessarily fatal,” Howe added. “Our hope is the settlement reflects a tacit acknowledgment that Brian's health crisis could and should have been dealt with differently. Mental health crises seek compassion, care, understanding, and appropriate intervention, not an AR-15.”

A City Attorney's Office statement referred to the settlement as a reflection of “our litigious society.” The decedent's brother, Roberto Umana, told the San Diego Union-Tribune that the case is actually part of a pattern of National City police officers killing individuals who needed mental-health help. He cited two other wrongful death cases – Earl McNeil, who died while being restrained in police custody, and Tony Wilson, who died after being tased five times in 40 seconds – as “the sad reality of National city.” National City settled both cases out of court.

“Repeated settlements suggest ongoing police misconduct, not just legal costs. If the claims were baseless, the city wouldn't keep paying. Instead of settling without change, the city must focus on real reforms. Ignoring the problem only fuels more abuse and erodes public trust. Mental health calls should be treated seriously,” Robert Umana added.

The successful lawsuit alleged excessive force by the officers, a failure by the city to properly train the officers, and wrongful death and civil rights violations. Attorneys Tim Scott and Marcus Bourassa from McKenzie Scott PC served as the lead trial attorneys representing Mr. Umana's family, and co-counseled with noted civil litigator and leader Emily Howe from the Law Offices of Emily E. Howe.

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