

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Bradley C. Gage, Esq., S.B. No. 117808 LAW OFFICES OF GOLDBERG & GAGE A Partnership of Professional Law Corporations 23002 Victory Blvd Woodland Hills, CA 91367 TELEPHONE NO.: (818)340-9252 FAX NO.: (818)340-9088		FOR COURT USE ONLY CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court NOV 29 2011 <i>John A. Clarke, Executive Officer/Clerk</i> By <i>[Signature]</i> Deputy <i>A. E. LA FLEUR-CLAYTON</i>	
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill St MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: CENTRAL DISTRICT			
CASE NAME: CHICLANA v. COLA			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: BC474298
		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): FIVE (5)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: November 28, 2011
- Bradley C. Gage, Esq. _____
- (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

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OF ORIGINAL FILED
Los Angeles Superior Court

NOV 29 2011

Attorneys for Plaintiff,
MARCO CHICLANA, IBARRA DE LEON & MARIA CHICLANA

John A. Clarke, Executive Officer/Clerk
By A. E. L. FLEUR-CLAYTON, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MARCO CHICLANA; IBARRA DE LEON;
MARIA CHICLANA,

Plaintiff,

v.

COUNTY OF LOS ANGELES; DEPUTY
JEREMY ESSWEIN, SGT. JUSTIN DIEZ
DEPUTY CURTIS FOSTER, DEPUTY J.
EPSTEIN, DEPUTY JUSTEN HOLM, in their
Official and Individual capacities; and DOES 1-
80, inclusive,

Defendants.

CASE NO:

BC474298

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL;
STATEMENT OF DAMAGES**

1. Assault and Civil Battery
2. Intentional Infliction of Emotional Distress
3. False Arrest and False Imprisonment
4. Malicious Prosecution
5. Violation of California Civil Code §52.1- Bane Act and other Civil Rights Violations.

GENERAL ALLEGATIONS

COMES NOW, MARCO CHICLANA, IBARRA DE LEON, and MARIA CHICLANA, who demand a jury trial and seeks monetary compensation against all Defendants, as set forth herein:

1. MARCO CHICLANA ("MARCO"), IBARRA DE LEON ("Ibarra") & MARIA CHICLANA ("Maria") (collectively, "Plaintiffs") were at all times relevant herein, residents of the State of California.
2. Plaintiffs are informed and believe, and thereon allege that, at all relevant times herein, Defendant COUNTY OF LOS ANGELES (hereinafter "COUNTY" or "defendant COUNTY" or

“Defendants”) and DOES 1 - 10 and each of them, were public entities duly organized and existing under the laws of the State of California.

3. The COUNTY OF LOS ANGELES is organized into departments and offices, including the Los Angeles County Sheriff’s Department (sometimes hereinafter: “LASD”). Each department is charged with responsibilities related to the function, progress and development of the COUNTY.
4. At all times herein mentioned, the COUNTY OF LOS ANGELES operated its Sheriff’s Department (LASD) and employed Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES 11-80.
5. Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES 11-80 were at all times alleged herein members of the COUNTY OF LOS ANGELES’ Sheriff’s Department. DOES 11 - 80, and each of them (hereinafter collectively referred to as “Defendants”) were employees, employers, supervisors, managers, agents, joint venturers, directors, principals, or persons who were otherwise employed by or working with each of the other Defendants.
6. At all applicable times, Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES 11-80 were acting in the course and scope of their employment as peace officers with the COUNTY OF LOS ANGELES’ Sheriff’s Department. The acts, omissions and conduct of Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES 11-80 were authorized, ratified and/or approved of by each of the other Defendants herein.
7. The true names or capacities, whether individual, corporate, associate, or otherwise of Defendants Does 1 - 80, inclusive, are unknown to Plaintiff, who therefore sues these Defendants by such fictitious names pursuant to *Code of Civil Procedure* section 474. Plaintiff will amend this complaint to allege their true names and capacities when ascertained.
8. Plaintiff is informed and believes and thereon alleges that each of these Defendants engaged in intentional, reckless, or grossly negligent conduct, and are responsible in some manner for the occurrences herein alleged, and that Plaintiffs’ damages as herein alleged were directly and legally caused by the wrongful conduct of Defendants and each of them.
9. The Defendants (including all DOE defendants), in carrying out the acts complained of herein, were acting in the course and scope of their employment with the County, or as the employer,

employee, principal, co-conspirator, and/or the agent of each of the other defendants, and/or in concert with the other defendants, and/or in partnership with the other defendants (including all DOE defendants), and/or as a joint venturer with the other defendants.

10. Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES 11-80 were SHERIFF'S deputies, hired and employed by Defendant COUNTY OF LOS ANGELES and/or the County's Sheriff's Department and were at all relevant times acting as Sheriff's deputies for the COUNTY OF LOS ANGELES and its Sheriff's Department. All events relative to this lawsuit occurred in the City of Lancaster, County of Los Angeles.

11. Plaintiff's claims are authorized by *Government Code* section 815.2 which provides in pertinent part:

"A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative."

12. The actions of Defendants COUNTY, DOES 1-10, Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES 11-80 were carried out under color of authority and the COUNTY'S deputies were acting within the course of their employment at the time of the events described herein.

13. Reference to actions or conduct of "Defendants" shall include the singular and plural, and shall include all defendants in this action, whether named or designated as a DOE. Reference to any singular defendant shall include all DOE defendants to which the facts are later shown to apply.

14. Each principal Defendant and/or Defendant employer herein had advance knowledge, warning of unfitness of each Defendant agent, and/or employee, and employed or continued to employ each such agent and/or employee with a conscious disregard for the rights or safety of Plaintiff and others and/or otherwise authorized and ratified the wrongful conduct of each such agent and/or employee.

15. Plaintiffs have complied with all applicable claims statutes or are excused from complying therewith.

- 1 16. On August 2, 2011, Plaintiff MARCO CHICLANA timely filed a Governmental Claim. A true
2 and correct copy of the Claim is attached hereto as exhibit "1" and incorporated by this reference.
3 On August 15, 2011, Plaintiffs IBARRA DE LEON and MARIA CHICLANA timely filed a
4 Government Claim. A true and correct copy of the Claim is attached hereto as exhibit "2" and
5 incorporated by this reference.
- 6 17. On September 13, 2011, Brian T. Chu, Principal Deputy County Counsel for the COUNTY OF
7 LOS ANGELES advised that Plaintiffs' government claims had been rejected. A true and correct
8 copy of the Government Claim Rejections from THE COUNTY OF LOS ANGELES postmarked
9 September 13, 2011 are attached hereto as exhibits "3," "4," "5," & "6" and incorporated by this
10 reference. On October 31, 2011, all three plaintiffs filed a supplemental Government Claim
11 Form, true and correct copy of which is attached hereto as exhibit "7" and incorporated by this
12 reference.

13 **FACTS APPLICABLE TO ALL CLAIMS**

- 14 18. Plaintiff repeats and realleges paragraphs 1 - 17, as though fully set out herein.
- 15 19. On or about April 2, 2011, MARCO's father (and Maria's husband), Damaso, was recovering from
16 open heart surgery at Antelope Valley Hospital. As a result, Damaso was heavily medicated.
- 17 20. Family friends and relatives, including the plaintiffs, visited Damaso at the hospital.
- 18 21. However, in his medicated state, Damaso demanded to leave the hospital against doctor's wishes.
19 Ibarra and Maria tried to persuade Damaso to stay but to no avail. Hospital staff members
20 discharged Damaso.
- 21 22. MARCO was alerted that his father was leaving the hospital.
- 22 23. When MARCO and his wife arrived at the hospital, MARCO tried to persuade Damaso to return to
23 the hospital.
- 24 24. MARCO and his family sought assistance from hospital security, who told them to call 911. Thus,
25 911 was called.
- 26 25. Soon thereafter, Sheriff Deputy ESSWEIN arrive at the scene. Initially, ESSWEIN approached
27 Ibarra and Damaso, inquiring what was going on.
- 28 26. Ibarra explained the situation to ESSWEIN and explained that Damaso needed to return to the

1 hospital.

2 27. Then, MARCO approached ESSWEIN and began speaking to him. At one point, MARCO and
3 ESSWEIN shook hands.

4 28. For no apparent reason, ESSWEIN asked MARCO whether he had any outstanding warrants.
5 Next, ESSWEIN told MARCO to take his hands out of his pockets and asked him whether he had
6 any weapons in his pocket. MARCO did not have any weapons. Nevertheless, ESSWEIN ordered
7 MARCO to put his hands on the car. MARCO followed the order, yet ESSWEIN roughly pushed
8 him against the car.

9 29. MARCO asked ESSWEIN why he was being arrested. ESSWEIN told MARCO to stop resisting.
10 MARCO was not resisting. Defendant, LASD has trained its officers, and created a custom and
11 practice of saying "stop resisting" or "stop fighting" to cover up their unjustified use of force on
12 innocent members of the public (or inmates in jail).

13 30. The ACLU and Department of Justice are investigating the Sheriff's Department, particularly in
14 the Antelope Valley, for their unjustified uses of force, particularly on African Americans and
15 Latin Americans. The Plaintiffs are all Latin. (Similar findings by the ACLU have shown that
16 Deputies would say stop fighting or stop resisting when they were about to beat a suspect, without
17 justification to cover up their violation of a person's civil rights.)

18 31. After ESSWEIN'S statement of "stop resisting" MARCO again asked ESSWEIN why he was
19 being arrested and leaned his head back toward ESSWEIN while speaking to him. Suddenly,
20 without provocation or any justification, ESSWEIN grabbed MARCO by the collar area and pulled
21 him back. Then, ESSWEIN punched MARCO in the face.

22 32. MARCO tried to cover up and avoid further blows. But then DIEZ arrived and placed MARCO in
23 a carotid restraint.

24 33. Soon thereafter, numerous deputies arrived and began beating up MARCO.

25 34. MARCO was repeatedly struck by hands, fists, knees, batons, billy clubs and/or flashlights.
26 Moreover, FOSTER utilized his taser on MARCO multiple times. HOLM repeatedly struck
27 MARCO with his flashlight. Meanwhile, EPSTEIN repeatedly punched MARCO. None of these
28 actions by the defendants were justified. All were excessive.

35. Defendants unlawfully arrested MARCO without probable cause to do so and used excessive force. Defendants celebrated the injuries they inflicted upon MARCO. Based on information and belief, defendants took photos of the injuries they inflicted on MARCO, with their cell phones, and then texted the pictures to friends. The LASD has many deputies that celebrate when they beat a person, and cause their heads to swell. The suspect is referred to as a "pumpkin head."
36. Moreover, in an effort to intimidate and keep witnesses silent, Defendants falsely arrested Damaso. Similarly, Defendants obtained fraudulent arrest warrants for Ibarra and Maria.
37. However, Ibarra and Maria, who suffers from dementia, were simply at the scene and did absolutely nothing wrong. Damaso was treated so roughly that his wounds from his bypass surgery were opened up, and he bled so profusely that he required a blood transfusion at Los Angeles County Medical Center. Damaso was detained for five days and not allowed visitation by his friends or family. He was while detained, denied the opportunity for bail, and the opportunity for a timely arraignment.

FIRST CAUSE OF ACTION

FOR ASSAULT AND CIVIL BATTERY BY PLAINTIFF MARCO CHICLANA

AGAINST ALL DEFENDANTS

38. Plaintiff repeats and re-alleges paragraphs 1-37, as though fully set out herein.
39. As alleged in detail herein, on or about April 2, 2011, Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES 11-80, physically touched, restrained and handcuffed Plaintiff and then beat him with their fists, knees, batons, tasers, and/or flashlights. These intentional acts were harmful and offensive to Plaintiff MARCO CHICLANA who did not consent to them
40. The conduct of Defendant Sheriff's Deputies directly and legally caused Plaintiff severe injuries and required that MARCO be brought to a hospital for medical attention and treatment.
41. Plaintiff MARCO Chiclana was injured in his health, strength, vitality and activity, and sustained injuries to his body and mind by Defendants' assault and battery upon him. Plaintiff suffered further non economic damages to be proven at time of trial.
42. As a further proximate result of the acts or omissions of the aforesaid Defendants as herein alleged, MARCO CHICLANA has sustained pecuniary damages in the form of medical, hospital

and therapist's expenses incurred. The compensatory damages sought are in an amount in excess of the minimum jurisdiction of the Court and subject to proof at trial.

43. As a still further legal result of the conduct, acts, or omissions on the part of the Defendants, Plaintiff has sustained pecuniary damages resulting from loss of income, employment and employment opportunities Plaintiff could have reasonably been expected to receive had he not been assaulted and battered and loss of future income as well as attorneys fees, litigation costs, bail costs and such other economic damages as proven at trial..

44. Because the acts and omissions of Defendants and Does 11-80, inclusive as described above were carried out in a deliberate, cold, callous, intentional and/or despicable manner, causing injury and damage to Plaintiff as set forth above, and done with a conscious disregard of Plaintiffs rights and safety, Plaintiff request the assessment of punitive damages against all Defendants except the County in an amount appropriate to punish or set an example of these Defendants. Due to applicable law, no punitive damages are sought against Defendant COUNTY OF LOS ANGELES.

45. Defendant County is vicariously responsible for the acts of its employees, the individually named and Doe defendants herein who were acting in the course and scope of their employment when they caused the injury and damages to Plaintiff.

SECOND CAUSE OF ACTION

FOR INTENTION INFLICTION OF EMOTIONAL DISTRESS

BY PLAINTIFFS MARCO CHICLANA & MARIA CHICLANA

AGAINST ALL DEFENDANTS

46. Plaintiffs repeat and re-allege each and every allegation set forth above contained in paragraphs 1 through 45 as though set forth fully herein.

47. The Defendant SHERIFF'S DEPUTIES' actions as set forth herein occurred during the course and scope of their employment for the COUNTY OF LOS ANGELES, through the LASD, and were both intentional and malicious. The conduct of defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and Does 11-80, and each of them was willful, wanton, oppressive, fraudulent, despicable, threatening, evil, intimidating and beyond that which should be tolerated by a civilized society. The acts of these Defendants were carried out with a conscious disregard of the likelihood

of causing injury, suffering, or distress to Plaintiffs, and involved reckless and callous indifference to the state and federally protected rights of others. Therefore punitive damages in a sum according to proof, consistent with the net worth of these Defendants and in a sum sufficient to deter similar such conduct in the future is also sought against all individual and non municipal defendants.

48. As a legal result of such intentional misconduct, exhibited by COUNTY'S SHERIFF'S DEPUTIES ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and Does 11-80, Plaintiff sustained injuries and damages in a sum to be ascertained according to proof. As a further legal result of Defendants' intentional misconduct, Plaintiff suffered and continues to suffer severe anxiety, worry, emotional distress, and mental anguish, all resulting in damages in a sum to be ascertained according to proof.

49. As a further legal result of such misconduct, Plaintiff(s) incurred expenses for medicines, medical treatment, therapy, and/or other related expenses , attorneys fees, litigation costs and other general ans special damages in a sum to be ascertained according to proof.

50. As a further legal result of Defendants' intentional misconduct, Plaintiff(s) suffered incidental and consequential damages in an amount according to proof.

51. Because the acts and omissions of SHERIFF'S DEPUTIES ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and Does 11-80, inclusive, were carried out in a deliberate, cold, callous, intentional and/or unreasonable manner, causing injury and damage to Plaintiff as set forth above, and done with a conscious disregard of Plaintiff's rights and safety, Plaintiff requests the assessment of punitive damages against said Defendants, in an amount appropriate to punish or set an example of said Defendants.

THIRD CAUSE OF ACTION

FOR FALSE ARREST AND FALSE IMPRISONMENT

BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS

52. Plaintiffs repeat, re-allege and incorporate every allegation set forth above in paragraphs 1-52 inclusive as though set forth verbatim herein.

53. On or about April 2, 2011, Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and Does

1 11-80, inclusive, and each of them, in addition to beating Plaintiff MARCO, caused the unlawful
2 detention, false arrest and false imprisonment of Plaintiff MARCO CHICLANA without probable
3 cause, without reasonable suspicion, without a warrant and on trumped up charges manufactured to
4 cover the beating given to Plaintiff by these deputies.

5 54. Similarly, in April 2011, the DOE and named Defendants intentionally caused Plaintiffs IBARRA
6 DE LEON and MARIA CHICLANA to be wrongfully arrested. Based on information and belief,
7 Doe Defendants procured arrest warrants for IBARRA and MARIA, without probable cause, by
8 providing false and/or materially incomplete information in the respective arrest warrant affidavits.

9 55. Defendants and each of them, knew that Plaintiffs had not engaged in any criminal wrongdoing.
10 As a direct and proximate result of this despicable conduct exhibited by Sheriff's Deputies
11 ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and Does 11-80 in the course and scope of their
12 employment as Sheriff's Deputies for the COUNTY OF LOS ANGELES, MARCO CHICLANA,
13 was incarcerated, kept in jail, and caused to endure pain and discomfort, embarrassment and
14 humiliation, emotional distress, monetary damages, present and future. Similarly, as a direct and
15 proximate result of this despicable conduct exhibited by Sheriff's Deputies DOE and Does 11-80
16 in the course and scope of their employment as Sheriff's Deputies for the COUNTY OF LOS
17 ANGELES, IBARRA DE LEON and MARIA CHICLANA were wrongfully arrested and caused
18 discomfort, embarrassment and humiliation, emotional distress, monetary damages, present and
19 future. Each of the plaintiffs' civil rights under State and Federal Law were violated.

20 56. As a further proximate result of the acts or omissions of the aforesaid Defendants as herein alleged,
21 MARCO CHICLANA, IBARRA DE LEON, and MARIA CHICLANA have sustained pecuniary
22 damages resulting from the need to procure payment of bail, and to secure legal representation to
23 clear their names. Plaintiffs have suffered further general and special damages according to proof
24 at trial.

25 57. Because the acts and omissions of Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM
26 and Does 11-80, inclusive as described above were carried out in a deliberate, cold, callous,
27 intentional and/or unreasonable manner, causing injury and damage to Plaintiffs as set forth above,
28 and done with a conscious disregard of Plaintiffs' rights and safety, Plaintiffs request the

assessment of punitive damages against these Defendants in an amount appropriate to punish or set an example of these Defendants.

FOURTH CAUSE OF ACTION
FOR MALICIOUS PROSECUTION
BY IBARRA DE LEON & MARIA CHICLANA
AGAINST ALL DEFENDANT DOES

58. Plaintiffs repeat, re-allege and incorporate every allegation set forth above in paragraphs 1-57 inclusive as though set forth verbatim herein.
59. Defendant DOEs caused criminal proceedings to be instituted against Plaintiffs DE LEON & MARIA CHICLANA by falsely alleging that Plaintiffs interfered, obstructed, resisted, and/or harmed peace officers in the lawful exercise of their duties.
60. Without probable cause and with malice, Defendant DOEs procured arrest warrants against plaintiffs by providing knowingly false information in arrest warrant affidavits. As a result, Plaintiffs were arrested and criminal charges filed. The Los Angeles County District Attorney did not exercise independent judgment when filing criminal charges against DE LEON and MARIA CHICLANA. Defendant DOEs made material omissions and provided false information to the District Attorney.
61. The criminal prosecution of the plaintiffs ended in their favor. A superior court judge dismissed the charges against DE LEON and MARIA CHICLANA's criminal case similarly ended in her favor, but not until after both plaintiffs suffered economic and non-economic damages as a direct and legal result of the defendants actions.
62. No reasonable person under the circumstances would have believed that there were grounds for causing the plaintiffs to be arrested or prosecuted. A videotape of the April 2, 2011 incident clearly shows that the Plaintiffs did nothing wrong and violated no laws. Thus, defendants' malicious prosecution was in violation of state and federal laws, including without limitation, 42 USC § 1983.
63. Defendant DOEs conduct were motivated by a malicious desire to deny Plaintiffs equal protection under the law and deny them specific constitutional rights, including but not limited to those under

the First, Fourth, Fifth, Eighth, Thirteenth and Fourteenth Amendments.

64. The plaintiffs were harmed. The plaintiffs incurred attorneys fees and costs, plaintiffs lost employment and/or employment opportunities, they suffered emotional distress and had other general and special damages according to proof at time of trial.

65. Defendants conduct was a substantial factor in causing the plaintiffs harm.

66. The actions of Defendant DOEs were malicious, oppressive and fraudulent, carried out with a conscious disregard for the rights, health and safety of the plaintiffs. Consequently, Defendant DOEs, in their individual capacities only, are subject to punitive damages in a sum according to proof at time of trial and sufficient to deter such actions in the future.

FIFTH CAUSE OF ACTION

FOR VIOLATION OF CALIFORNIA CIVIL CODE

SECTION 52.1 (BANE ACT) AND OTHER CIVIL RIGHTS VIOLATIONS.

BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS

67. Plaintiffs repeat and reallege paragraphs 1 through 66, as though fully set out herein.

68. As set forth in *Civil Code* §52.1(b) "Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of the United States, or of rights secured by the Constitution or law of this state, has been interfered with, or attempted to be interfered with, as described in subdivision (a) may institute and prosecute in his or her own name and on his or her own behalf a civil action for damages including, but not limited to, damages under Section 52, injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right or rights secured." Plaintiffs bring this cause of action based upon Defendants' violation of their rights of liberty, freedom of expression, to be free of unreasonable searches and seizures, right of association, and right to petition, all of which are secured by the Constitution and for the defendants violations of other constitutional and statutory laws of the State of California and the United States, and all of which were interfered with by Defendants' conduct as set forth herein.

69. *Civil Code Section 52.1(g)* states "An action brought pursuant to this section is independent of any other action, remedy, or procedure that may be available to an aggrieved individual under any

other provision of law, including, but not limited to, an action, remedy, or procedure brought pursuant to Section 51.7.” 42 USC § 1983 has similar prohibitions.

70. The conduct of Defendants in striking MARCO CHICLANA and unlawfully arresting all of the Plaintiffs, in the use of unnecessary and clearly excessive force against MARCO CHICLANA , the manufacturing of false evidence against Plaintiffs and causing them to be incarcerated and/or prosecuted is all in violation of *Civil Code Section 52.1*, and plaintiffs’ civil rights, and violates other laws of he State of California and the United States and is actionable as such.

71. During all times mentioned herein, Defendants and each of them, acted separately and in concert, under color and pretense of law, under color of statute, ordinance, regulations, SHERIFF’S, practices, customs and usages of Defendant COUNTY , the County of Los Angeles Sheriff’s Department, and Does 1-80, inclusive, and each of them, to engage in the conduct herein mentioned and deprived Plaintiff of his rights and privileges secured to him by the First, Fourth, Eighth and Fourteenth Amendments of the Constitution of the United States and laws of the United States.

72. Defendants’ conduct in violation of Plaintiffs’ rights under Civil Code Sections 51 and 52.1, and other laws of the State of California and the United States, proximately and legally caused damages to Plaintiffs, including, but not limited to: pain, suffering, scarring, emotional distress, anger, fear, trepidation and chagrin, loss of earnings, loss of earnings opportunities, loss of future earnings, loss of employment benefits, loss of wages, loss of opportunities to find other employment, past, present and/or future medical, psychological, psychiatric and/or hospital bills and expenses for treatment and other economic and non-economic damages according to proof.

73. Plaintiffs request that the statutorily prescribed civil penalty of Twenty-Five Thousand Dollars (\$25,000) per violation, per plaintiff, against each defendants pursuant to Civil Code §52.1(a) and other applicable civil rights laws, be imposed on each Defendant and/or DOE DEFENDANT.

74. Plaintiffs are also entitled to attorneys fees pursuant to State and Federal Civil Rights Statutes that apply to this case, including without limitation §52.1(h) (“In addition to any damages, injunction, or other equitable relief awarded in an action brought pursuant to subdivision (b), the court may award the petitioner or plaintiff reasonable attorney’s fees.”)

1 WHEREFORE, Plaintiffs pray for the following:

- 2 1. Compensation for both economic and non economic damages suffered and to be suffered;
- 3 2. Medical, hospital, ambulance, legal and other expenses incurred by Plaintiffs;
- 4 3. Compensatory damages and nominal damages caused by deprivation of Plaintiffs'
- 5 constitutional rights;
- 6 4. Litigation costs;
- 7 5. Attorneys' fees, as allowed by statute;
- 8 6. Interest;
- 9 7. Civil Penalties as allowed by law.
- 10 8. Punitive damages (against the non-municipal Defendants only);
- 11 9. Any other relief or damages allowed by law, or statutes not set out above, and such further
- 12 relief as this Court deems just and proper at conclusion of trial.

13
14 Dated: November 28, 2011

Respectfully Submitted,
LAW OFFICES OF GOLDBERG & GAGE
A Partnership of Professional Law Corporations

15
16
17 By: 

Bradley C. Gage
Milad Sadr

18 Attorneys for Plaintiffs,
19 MARCO CHICLANA, IBARRA DE LEON, MARIA
20 CHICLANA

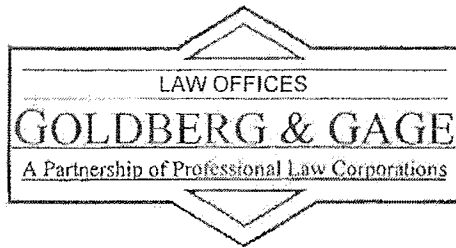
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22 O:\C\CHICLANA-MARCO\PLEADINGS\COMPLAINT\FINAL\11-28-11 fin.wpd
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"Exhibit 1"

Terry M. Goldberg*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION



Bradley C. Gage*

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

August 2, 2011

County of Los Angeles
Executive Officer, Board of Supervisors
500 West Temple St.
Attn: Claims, Room 383
Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Via Certified Mail, Return Receipt Requested
7011 0110 0002 2309 4245

Re: **Government Claims of Marco Chiclana**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4.

A. NAME OF THE CLAIMANT:

Marco Chiclana; Erica Chiclana (Collectively, "the Chiclana family, or plaintiffs.")

B. ADDRESS TO SEND ALL NOTICES:

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:

On or about April 2, 2011 in the City of Lancaster California, Los Angeles County Sheriffs Deputy Jeremy Esswein, acting on behalf of the County of Los Angeles and the Los Angeles County Sheriff's Department, and without reasonable cause to do so, hit, kicked, struck, kneed, beat, assaults and injured the plaintiffs, including repeatedly striking the face of Mr. Chiclana, and his family members, threatened and intimidated the Chiclana family and caused them harm, pain, suffering and injury.

On or about April 2, 2011 slightly after 5:00 p.m. in the area of Antelope Valley Hospital, in the City of Lancaster, Los Angeles County Sheriffs Deputies Esswein, Justin Diez, Curtis Foster and others whose names are not presently known, acting on behalf of the County of

Los Angeles and the Los Angeles County Sheriff's Department, wrongfully detained and arrested Marco Chiclana and other members of his family, used excessive force against Marco Chiclana and his family by punching them, kicking them, hitting them, and further injuring Marco by handcuffing him, forcing him to the ground, beating him about the face and body, beating the plaintiffs with batons and other hard objects, kicking and kneeling him in the face, and otherwise causing the plaintiffs great bodily injury.

These deputies caused great emotional distress, humiliation and anguish to Mr. Chiclana and the other plaintiffs through their wrongful conduct. This wrongful conduct further led to the wrongful imprisonment and wrongful prosecution of Mr. Chiclana and the other plaintiffs on trumped-up charges of public intoxication and resisting arrest. The actions of the County of Los Angeles and its Sheriff's Deputies give rise to claims, including, but not limited to: false arrest, false imprisonment, assault and battery by police officer(s), violation of the Chiclana families's 1st, 4th, 5th, 8th and 14th Amendment rights, violation of the California constitution, a violation of the plaintiffs civil rights including without limitation violation of 42 USC § 1983, violation of the Ralph and Bane Acts, force, coercion, intimidation, intentional infliction of emotional distress, malicious prosecution, including with the use of perjury to falsely hold the plaintiffs for prosecution of unfounded criminal charges, defamation and other state and federal claims. The Sheriff's Deputies further provided false testimony in the preliminary hearing and in the use of force interviews to cover up their unjustified beating of the Chiclana family, as part of a conspiracy.

D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.

Mr. Chiclana suffered injuries, including, but not limited to: multiple facial fractures, the need for surgery, potential blindness in one eye, head injury and trauma, potential brain damage, pain and suffering, lacerations, abrasions, and broken bones to various areas of his body, a chipped tooth, potential facial scarring, psychological injuries, emotional distress, humiliation; economic losses including, but not limited to: loss of earnings opportunities, legal fees for a criminal defense, cost of bail, medical expenses, hospital and surgical bills, costs of counseling and loss of earnings and loss of earning potential; attorneys' fees, costs of litigation and other losses according to proof at time of trial.

The other plaintiffs suffered injuries, including, but not limited to: trauma, pain and suffering, lacerations, abrasions, and other injuries to various areas of their body, psychological injuries, emotional distress, humiliation; economic losses including, but not limited to: loss of earnings opportunities, legal fees for a criminal defense, cost of bail, medical expenses, hospital and surgical bills, costs of counseling and loss of earnings and loss of earning potential; attorneys' fees, costs of litigation and other losses according to proof at time of trial.

E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

Los Angeles County Sheriffs Deputies Esswein, Justin Diez, Curtis Foster, Sgt. Carter and others whose names are not presently known, acting on behalf of the County of Los Angeles and the

Los Angeles County Sheriff's Department, and other Sheriff's Deputies who were at the scene of the incidents. Discovery continues.

**F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000, AND
JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.**

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations



By Bradley C. Gage

"Exhibit 2"

Terry M. Goldberg*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION



Bradley C. Gage*

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088

Email: tgoldberg@goldbergandgage.com

Email: bgage@goldbergandgage.com

August 15, 2011

County of Los Angeles
Executive Officer, Board of Supervisors
500 West Temple St.
Attn: Claims, Room 383
Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Via Certified Mail, Return Receipt Requested
7010 1670 0000 4402 1593

Re: **Government Claims** of Ibarra DeLone; Maria Chiclana

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4.

A. NAME OF THE CLAIMANT:

Ibarra DeLone and Maria Chiclana

B. ADDRESS TO SEND ALL NOTICES:

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:

On or about April 2, 2011 in the City of Lancaster California, Los Angeles County Sheriffs Deputy Jeremy Esswein, acting on behalf of the County of Los Angeles and the Los Angeles County Sheriff's Department, and without reasonable cause to do so, hit, kicked, struck, kneed, beat, assaults and injured the plaintiffs, including repeatedly striking the face of Mr. Chiclana, and his family members, threatened and intimidated the Chiclana family (including Maria Chiclana) and Ibarra DeLone and caused them harm, pain, suffering and injury.

On or about April 2, 2011 slightly after 5:00 p.m. in the area of Antelope Valley Hospital, in the City of Lancaster, Los Angeles County Sheriffs Deputies Esswein, Justin Diez, Curtis Foster and others whose names are not presently known, acting on behalf of the County of

Los Angeles and the Los Angeles County Sheriff's Department, wrongfully detained and arrested Ibarra DeLone, Maria Chiclana, Marco Chiclana and other members of his family, used excessive force against Marco Chiclana and his family by punching them, kicking them, hitting them, and further injuring Marco by handcuffing him, forcing him to the ground, beating him about the face and body, beating the plaintiffs with batons and other hard objects, kicking and kneeling him in the face, and otherwise causing the plaintiffs great bodily injury.

These deputies caused great emotional distress, humiliation and anguish to Ibarra DeLone, Mrs. Chiclana and the other plaintiffs through their wrongful conduct. This wrongful conduct further led to the wrongful imprisonment and wrongful prosecution of Mr. DeLone, Mrs. Chiclana and the other plaintiffs on trumped-up charges. The actions of the County of Los Angeles and its Sheriff's Deputies give rise to claims, including, but not limited to: false arrest, false imprisonment, assault and battery by police officer(s), violation of the Chiclana families's 1st, 4th, 5th, 8th and 14th Amendment rights, violation of the California constitution, a violation of the plaintiffs civil rights including without limitation violation of 42 USC § 1983, violation of the Ralph and Bane Acts, force, coercion, intimidation, intentional infliction of emotional distress, malicious prosecution, including with the use of perjury to falsely hold the plaintiffs for prosecution of unfounded criminal charges, defamation and other state and federal claims. The Sheriff's Deputies further provided false testimony in the preliminary hearing and in the use of force interviews to cover up their unjustified beating of the claimants, as part of a conspiracy.

D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.

The plaintiffs suffered injuries, including, but not limited to: physical, psychological, and emotional injuries; humiliation; economic losses including, but not limited to: loss of earnings opportunities, legal fees for a criminal defense, cost of bail, medical expenses, hospital and surgical bills, costs of counseling and loss of earnings and loss of earning potential; attorneys' fees, costs of litigation and other losses according to proof at time of trial.

The other plaintiffs suffered injuries, including, but not limited to: trauma, pain and suffering, lacerations, abrasions, and other injuries to various areas of their body, psychological injuries, emotional distress, humiliation; economic losses including, but not limited to: loss of earnings opportunities, legal fees for a criminal defense, cost of bail, medical expenses, hospital and surgical bills, costs of counseling and loss of earnings and loss of earning potential; attorneys' fees, costs of litigation and other losses according to proof at time of trial.

E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

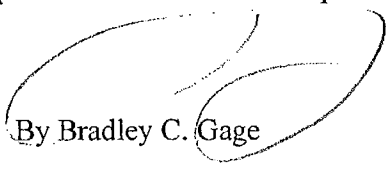
Los Angeles County Sheriffs Deputies Esswein, Justin Diez, Curtis Foster, Sgt. Carter and others whose names are not presently known, acting on behalf of the County of Los Angeles and the Los Angeles County Sheriff's Department, and other Sheriff's Deputies who were at the scene of the incidents. Discovery continues.

F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000, AND

JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations


By Bradley C. Gage

"Exhibit 3"



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

ANDREA SHERIDAN ORDIN
County Counsel

September 13, 2011

TELEPHONE
(213) 974-1913
FACSIMILE
(213) 687-8822
TDD
(213) 633-0901

RECEIVED
SEP 14 2011
GOLDBERG AND GAGE

Bradley C. Gage, Esq.
LAW OFFICES OF GOLDBERG & GAGE
23002 Victory Boulevard
Woodland Hills, California 91367

Re:	Claim(s) Filed:	August 2, 2011
	File Number(s)	11-1091498*002
	Your Client(s):	Erica Chiclana

Dear Counselor:

This letter is to inform you that the above-referenced claims which you filed with the Los Angeles County Board of Supervisors were rejected on **September 1, 2011.**

An investigation of this matter fails to indicate any liability on the part of the County of Los Angeles. Accordingly, your claims were rejected on that basis and no further action will be taken on this matter.

STATE LAW REQUIRES THAT YOU BE GIVEN THE FOLLOWING
"WARNING:"

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. SEE GOVERNMENT CODE SECTION 945.6.

Bradley C. Gage, Esq.
Page 2

This time limitation applies only to causes of action for which Government Code Sections 900 - 915.4 required you to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By 
BRIAN T. CHU
Principal Deputy County Counsel
General Litigation Division

BTC:ce

DECLARATION FOR SERVICE BY MAIL

STATE OF CALIFORNIA
County of Los Angeles

I am and at all times herein mentioned have been a citizen of the United States and resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 648 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California 90012.

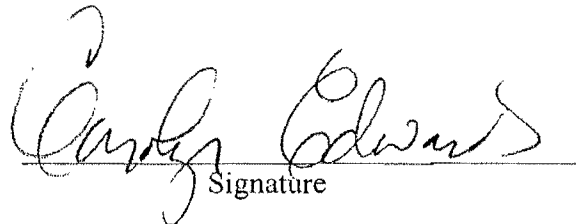
That on the 13th day of **September 2011**, I served the attached "**Notice of Denial Letter**" of claim upon claimant by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box in Los Angeles, California addressed as follows:

Bradley C. Gage, Esq.
LAW OFFICES OF GOLDBERG & GAGE
23002 Victory Boulevard
Woodland Hills, California 91367

and that the person on whom said service was made has/resides his/her office at a place where there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of **September 2011** at Los Angeles, California.


Signature

"Exhibit 4"



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1913
FACSIMILE
(213) 687-8822
TDD
(213) 633-0901

ANDREA SHERIDAN ORDIN
County Counsel

September 13, 2011

RECEIVED

SEP 14 2011

GOLDBERG AND GAGE

Bradley C. Gage, Esq.
LAW OFFICES OF GOLDBERG & GAGE
23002 Victory Boulevard
Woodland Hills, California 91367

Re:	Claim(s) Filed:	August 15, 2011
	File Number(s)	11-1091498*003
	Your Client(s):	Ibarra Delone

Dear Counselor:

This letter is to inform you that the above-referenced claims which you filed with the Los Angeles County Board of Supervisors were rejected on **September 1, 2011.**

An investigation of this matter fails to indicate any liability on the part of the County of Los Angeles. Accordingly, your claims were rejected on that basis and no further action will be taken on this matter.

STATE LAW REQUIRES THAT YOU BE GIVEN THE FOLLOWING "WARNING:"

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. SEE GOVERNMENT CODE SECTION 945.6.

Bradley C. Gage, Esq.
Page 2

This time limitation applies only to causes of action for which Government Code Sections 900 - 915.4 required you to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By 
BRIAN T. CHU
Principal Deputy County Counsel
General Litigation Division

BTC:ce

DECLARATION FOR SERVICE BY MAIL

STATE OF CALIFORNIA
County of Los Angeles

I am and at all times herein mentioned have been a citizen of the United States and resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 648 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California 90012.

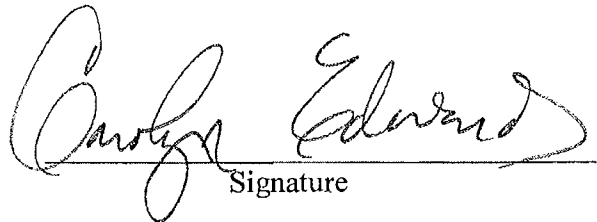
That on the 13th day of **September 2011**, I served the attached "**Notice of Denial Letter**" of claim upon claimant by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box in Los Angeles, California addressed as follows:

Bradley C. Gage, Esq.
LAW OFFICES OF GOLDBERG & GAGE
23002 Victory Boulevard
Woodland Hills, California 91367

and that the person on whom said service was made has/resides his/her office at a place where there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of **September 2011** at Los Angeles, California.


Signature

"Exhibit 5"



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

ANDREA SHERIDAN ORDIN
County Counsel

September 13, 2011

TELEPHONE
(213) 974-1913
FACSIMILE
(213) 687-8822
TDD
(213) 633-0901

RECEIVED

SEP 14 2011

GOLDBERG AND GAGE

Bradley C. Gage, Esq.
LAW OFFICES OF GOLDBERG & GAGE
23002 Victory Boulevard
Woodland Hills, California 91367

Re:	Claim(s) Filed:	August 2, 2011
	File Number(s)	11-1091498*001
	Your Client(s):	Marco Chiclana

Dear Counselor:

This letter is to inform you that the above-referenced claims which you filed with the Los Angeles County Board of Supervisors were rejected on **September 1, 2011.**

An investigation of this matter fails to indicate any liability on the part of the County of Los Angeles. Accordingly, your claims were rejected on that basis and no further action will be taken on this matter.

STATE LAW REQUIRES THAT YOU BE GIVEN THE FOLLOWING
"WARNING:"


Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. SEE GOVERNMENT CODE SECTION 945.6.

Bradley C. Gage, Esq.
Page 2

This time limitation applies only to causes of action for which Government Code Sections 900 - 915.4 required you to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By 
BRIAN T. CHU
Principal Deputy County Counsel
General Litigation Division

BTC:ce

DECLARATION FOR SERVICE BY MAIL

STATE OF CALIFORNIA
County of Los Angeles

I am and at all times herein mentioned have been a citizen of the United States and resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 648 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California 90012.

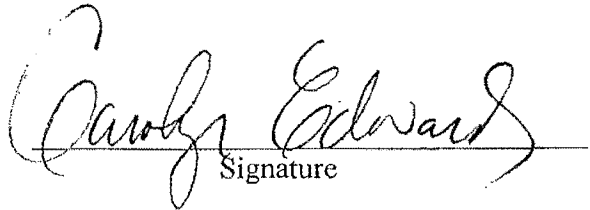
That on the 13th day of **September 2011**, I served the attached "**Notice of Denial Letter**" of claim upon claimant by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box in Los Angeles, California addressed as follows:

Bradley C. Gage, Esq.
LAW OFFICES OF GOLDBERG & GAGE
23002 Victory Boulevard
Woodland Hills, California 91367

and that the person on whom said service was made has/resides his/her office at a place where there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of **September 2011** at Los Angeles, California.


Signature

"Exhibit 6"



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

ANDREA SHERIDAN ORDIN
County Counsel

September 13, 2011

TELEPHONE
(213) 974-1913
FACSIMILE
(213) 687-8822
TDD
(213) 633-0901

RECEIVED

SEP 14 2011

GOLDBERG AND GAGE

Bradley C. Gage, Esq.
LAW OFFICES OF GOLDBERG & GAGE
23002 Victory Boulevard
Woodland Hills, California 91367

Re:	Claim(s) Filed:	August 15, 2011
	File Number(s)	11-1091498*004
	Your Client(s):	Maria Chiclana

Dear Counselor:

This letter is to inform you that the above-referenced claims which you filed with the Los Angeles County Board of Supervisors were rejected on **September 1, 2011.**

An investigation of this matter fails to indicate any liability on the part of the County of Los Angeles. Accordingly, your claims were rejected on that basis and no further action will be taken on this matter.

STATE LAW REQUIRES THAT YOU BE GIVEN THE FOLLOWING
"WARNING:"


Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. SEE GOVERNMENT CODE SECTION 945.6.

Bradley C. Gage, Esq.
Page 2

This time limitation applies only to causes of action for which Government Code Sections 900 - 915.4 required you to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By 
BRIAN T. CHU
Principal Deputy County Counsel
General Litigation Division

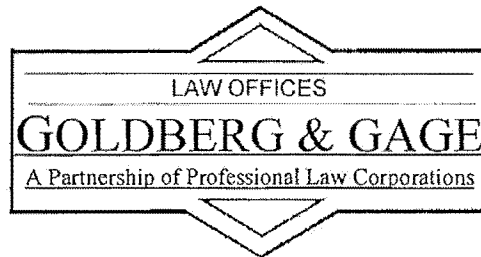
BTC:ce

"Exhibit 7"

Terry M. Goldberg*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION



Bradley C. Gage*

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

October 31, 2011

County of Los Angeles
Executive Officer, Board of Supervisors
500 West Temple St.
Attn: Claims, Room 383
Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Via Certified Mail, Return Receipt Requested
7011 0110 0002 2309 4276

Re: **Supplemental Government Claims** of Marco Chiclana; Ibarra DeLone; Maria Chiclana

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4.

A. NAME OF THE CLAIMANT:

Ibarra DeLone and Maria Chiclana

B. ADDRESS TO SEND ALL NOTICES:

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:

On or about April 2, 2011 in the City of Lancaster California, Los Angeles County Sheriffs Deputy Jeremy Esswein, acting on behalf of the County of Los Angeles and the Los Angeles County Sheriff's Department, and without reasonable cause to do so, hit, kicked, struck, kneed, beat, assaults and injured the plaintiffs, including repeatedly striking the face of Mr. Chiclana, and his family members, threatened and intimidated the Chiclana family (including Maria Chiclana) and Ibarra DeLone and caused them harm, pain, suffering and injury.

On or about April 2, 2011 slightly after 5:00 p.m. in the area of Antelope Valley Hospital, in the City of Lancaster, Los Angeles County Sheriffs Deputies Esswein, Justin Diez,

Curtis Foster and others whose names are not presently known, acting on behalf of the County of Los Angeles and the Los Angeles County Sheriff's Department, wrongfully detained and arrested Ibarra DeLone, Maria Chiclana, Marco Chiclana and other members of his family, used excessive force against Marco Chiclana and his family by punching them, kicking them, hitting them, and further injuring Marco by handcuffing him, forcing him to the ground, beating him about the face and body, beating the plaintiffs with batons and other hard objects, kicking and kneeling him in the face, and otherwise causing the plaintiffs great bodily injury.

These deputies caused great emotional distress, humiliation and anguish to Ibarra DeLone, Mrs. Chiclana and the other plaintiffs through their wrongful conduct. This wrongful conduct further led to the wrongful imprisonment and wrongful prosecution of Mr. DeLone, Mrs. Chiclana and the other plaintiffs on trumped-up charges. The actions of the County of Los Angeles and its Sheriff's Deputies give rise to claims, including, but not limited to: false arrest, false imprisonment, assault and battery by police officer(s), violation of the Chiclana families's 1st, 4th, 5th, 8th and 14th Amendment rights, violation of the California constitution, a violation of the plaintiffs civil rights including without limitation violation of 42 USC § 1983, violation of the Ralph and Bane Acts, force, coercion, intimidation, intentional infliction of emotional distress, malicious prosecution, including with the use of perjury to falsely hold the plaintiffs for prosecution of unfounded criminal charges, defamation and other state and federal claims. The Sheriff's Deputies further provided false testimony in the preliminary hearing and in the use of force interviews to cover up their unjustified beating of the claimants, as part of a conspiracy.

D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.

The plaintiffs suffered injuries, including, but not limited to: physical, psychological, and emotional injuries; humiliation; economic losses including, but not limited to: loss of earnings opportunities, legal fees for a criminal defense, cost of bail, medical expenses, hospital and surgical bills, costs of counseling and loss of earnings and loss of earning potential; attorneys' fees, costs of litigation and other losses according to proof at time of trial.

The other plaintiffs suffered injuries, including, but not limited to: trauma, pain and suffering, lacerations, abrasions, and other injuries to various areas of their body, psychological injuries, emotional distress, humiliation; economic losses including, but not limited to: loss of earnings opportunities, legal fees for a criminal defense, cost of bail, medical expenses, hospital and surgical bills, costs of counseling and loss of earnings and loss of earning potential; attorneys' fees, costs of litigation and other losses according to proof at time of trial.

The defendants in this action include but are not limited to: COUNTY OF LOS ANGELES; DEPUTY JEREMY ESSWEIN, SGT. JUSTIN DIEZ DEPUTY CURTIS FOSTER, DEPUTY J. EPSTEIN, DEPUTY JUSTEN HOLM, in their Official and Individual capacities

The legal theories include but are not limited to:

1. Assault and Civil Battery

2. Intentional Infliction of Emotional Distress
3. False Arrest and False Imprisonment
4. Malicious Prosecution
5. Violation of California Civil Code §52.1- Bane Act and other Civil Rights Violations such as the Ralph Act.


E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

Los Angeles County Sheriffs Deputies Esswein, Justin Diez, Curtis Foster, Sgt. Carter and others whose names are not presently known, acting on behalf of the County of Los Angeles and the Los Angeles County Sheriff's Department, and other Sheriff's Deputies who were at the scene of the incidents. Discovery continues.

F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS \$10,000, AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations



By Bradley C. Gage