

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Bradley C. Gage, Esq. S.B. No. 117808 Milad Sadr, Esq. S.B. No. 245080 LAW OFFICES OF GOLDBERG & GAGE A Partnership of Professional Law Corporations 23002 Victory Blvd., Woodland Hills, California 91367 TELEPHONE NO.: (818) 340-9252 FAX NO.: (818) 340-9088 ATTORNEY FOR (Name): PLAINTIFFS		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: CENTRAL DISTRICT			
CASE NAME: ESTATE OF LOGAN, et al. V. COUNTY OF LOS ANGELES, et al.			
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:	
		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): Four (4)
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: April 25, 2012

Bradley C. Gage/Milad Sadr

(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

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 15 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 3. 1., 4.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input checked="" type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2. 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
		Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____
Wrongful Eviction (33)		<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
		<input type="checkbox"/> A6032 Quiet Title	2., 6.
		<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.


SHORT TITLE: ESTATE OF LOGAN V. COUNTY OF LOS ANGELES

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 3117 Heather Ave.		
CITY: Palmdale	STATE: CA	ZIP CODE: 93550			

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Superior courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: April 25, 2012
(SIGNATURE OF ATTORNEY/FILING PARTY)

Bradley C. Gage/Milad Sadr

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT: COUNTY OF LOS ANGELES; DOES 1-40 In
(AVISO AL DEMANDADO):** his/her/THEIR Official and Individual capacities
and DOES 41-100, inclusive,

YOU ARE BEING SUED BY PLAINTIFF: THE ESTATE OF DARRELL LOGAN,
(LO ESTÁ DEMANDANDO EL DEMANDANTE): JR., by and through its Personal
Representatives, DARRELL LOGAN, SR., and ARZENIA RATLIFF; DARRELL LOGAN, SR.,
individually; ARZENIA RATLIFF, individually; EMANI DINEH LOGAN, by and through her
mother and Guardian ad Litem, LAVETTE THOMAS

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
111 N. Hill Street, Los Angeles, CA 90012
CENTRAL DISTRICT

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Bradley C. Gage, Esq. S.B. No. 117808

Tel (818) 340-9252 Fax (818) 340-9088

LAW OFFICES OF GOLDBERG & GAGE

A Partnership of Professional Law Corporations

23002 Victory Blvd., Woodland Hills, California 91367

DATE:

Clerk, by _____, Deputy
(Secretario) (Adjunto)

(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1

ATTORNEY (Name, State Bar number, and address):

FOR COURT USE ONLY

Bradley C. Gage, Esq. S.B. No. 117808
Milad Sadr, Esq. S.B. No. 245080
LAW OFFICES OF GOLDBERG & GAGE
23002 Victory Boulevard
Woodland Hills, California 91367

TELEPHONE NO.: (818) 340-9252

FAX NO. (Optional): (818) 340-9088

E-MAIL ADDRESS (Optional): bgage@goldbergandgage.com

ATTORNEY FOR (Name): All Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N. HILL STREET

MAILING ADDRESS:

CITY AND ZIP CODE: LOS ANGELES, 90012

BRANCH NAME: CENTRAL DISTRICT

PLAINTIFF/PETITIONER: THE ESTATE OF DARRELL LOGAN, JR.; EMANI
DINEH LOGAN through her guardian L
DEFENDANT/RESPONDENT: COUNTY OF LOS ANGELES; DOE 1, In hi

APPLICATION AND ORDER FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL

☐ EX PARTE

CASE NUMBER:

NOTE: This form is for use in civil proceedings in which a party is a minor, an incapacitated person, or a person for whom a conservator has been appointed. A party who seeks the appointment of a guardian ad litem in a family law or juvenile proceeding should use form FL-935. A party who seeks the appointment of a guardian ad litem in a probate proceeding should use form DE-350/GC-100. An individual cannot act as a guardian ad litem unless he or she is represented by an attorney or is an attorney.

1. Applicant (*name*): LAVETTE THOMAS is
- a. ☒ the parent of (*name*): EMANI DINEH LOGAN
- b. ☐ the guardian of (*name*):
- c. ☐ the conservator of (*name*):
- d. ☐ a party to the suit.
- e. ☐ the minor to be represented (*if the minor is 14 years of age or older*).
- f. ☐ another interested person (*specify capacity*):
2. This application seeks the appointment of the following person as guardian ad litem (*state name, address, and telephone number*):
Lavette Thomas
10939 S. Hobart Blvd.
Los Angeles, CA 90047
(323) 743-7141
3. The guardian ad litem is to represent the interests of the following person (*state name, address, and telephone number*):
Emani Dineh Logan
10939 S. Hobart Blvd.
Los Angeles, CA 90047
(323) 743-7141
4. The person to be represented is:
- a. ☒ a minor (*date of birth*): August 27, 2005
- b. ☐ an incompetent person.
- c. ☐ a person for whom a conservator has been appointed.
5. The court should appoint a guardian ad litem because:
- a. ☒ the person named in item 3 has a cause or causes of action on which suit should be brought (*describe*):
Wrongful death and violation of civil rights

Continued on Attachment 5a.

PLAINTIFF/PETITIONER: THE ESTATE OF DARRELL LOGAN, JR.; EMANI DINEH LOGAN through her guardian DEFENDANT/RESPONDENT: COUNTY OF LOS ANGELES; DOE 1, In hi	CASE NUMBER:
--	--------------

5. b. ☐ more than 10 days have elapsed since the summons in the above-entitled matter was served on the person named in item 3, and no application for the appointment of a guardian ad litem has been made by the person identified in item 3 or any other person.
- c. ☒ the person named in item 3 has no guardian or conservator of his or her estate.
- d. ☒ the appointment of a guardian ad litem is necessary for the following reasons (*specify*):
 In order to bring a lawsuit pursuant to California Code of Civil Procedure against the Los Angeles Sheriff's Department and individual Sheriff Deputies

☐ Continued on Attachment 5d.

6. The proposed guardian ad litem's relationship to the person he or she will be representing is:

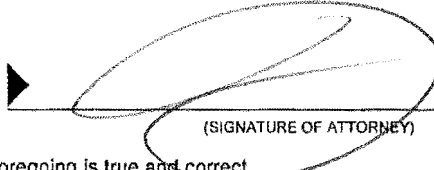
- a. ☒ related (*state relationship*): Mother
- b. ☐ not related (*specify capacity*):

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person he or she will represent and has no interests adverse to the interests of that person. (*If there are any issues of competency or qualification or any possible adverse interests, describe and explain why the proposed guardian should nevertheless be appointed*):

☐ Continued on Attachment 7.

Bradley C. Gage, Esq. S.B. No. 117808

(TYPE OR PRINT NAME)

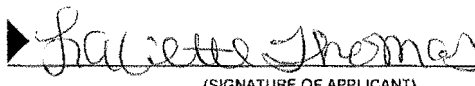

 (SIGNATURE OF ATTORNEY)

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

Date: 3-6-12

Lavette Thomas

(TYPE OR PRINT NAME)


 (SIGNATURE OF APPLICANT)

CONSENT TO ACT AS GUARDIAN AD LITEM

I consent to the appointment as guardian ad litem under the above petition.

Date: 3-6-12

Lavette Thomas

(TYPE OR PRINT NAME)


 (SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ORDER ☐ EX PARTE

THE COURT FINDS that it is reasonable and necessary to appoint a guardian ad litem for the person named in item 3 of the application, as requested.

THE COURT ORDERS that (*name*):

is hereby appointed as the guardian ad litem for (*name*):

for the reasons set forth in item 5 of the application.

Date:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

1 Terry M. Goldberg, Esq. S.B. No. 55674
(email: tgoldberg@goldbergandgage.com)

2 Bradley C. Gage, Esq. S.B. No. 117808
(email: bgage@goldbergandgage.com)

3 Milad Sadr, Esq. S.B. No. 245080
(email: msadr@goldbergandgage.com)

4 **LAW OFFICES OF GOLDBERG & GAGE**

A Partnership of Professional Law Corporations

5 23002 Victory Boulevard

Woodland Hills, California 91367

6 Tel: (818) 340-9252 Fax: (818) 340-9088

7 Attorneys for Plaintiffs,

8 THE ESTATE OF DARRELL LOGAN, JR.; EMANI DINEH LOGAN though her guardian ad litem
LAVETTE THOMAS; DARRELL LOGAN, SR.; ARZENIA RATLIFF

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF LOS ANGELES**

13 THE ESTATE OF DARRELL LOGAN, JR., by)
and through its Personal Representatives,)
14 DARRELL LOGAN, SR., and ARZENIA)
RATLIFF; DARRELL LOGAN, SR.,)
15 individually; ARZENIA RATLIFF, individually;)
EMANI DINEH LOGAN, by and through her)
16 mother and Guardian ad Litem, LAVETTE)
THOMAS,)

18 Plaintiffs,

19 v.

20 COUNTY OF LOS ANGELES; DOES 1-40 In
his/her/THEIR Official and Individual capacities)
and DOES 41-100, inclusive,)
21)
22 Defendants.)

CASE NO:

**COMPLAINT FOR DAMAGES
AND DEMAND FOR JURY TRIAL:**

1. **BATTERY**
2. **WRONGFUL DEATH**
3. **VIOLATION OF CIVIL RIGHTS**
4. **VIOLATION OF RALPH ACT**

24 **GENERAL ALLEGATIONS**

25 COME NOW, EMANI DINEH LOGAN, a Minor, By and Through Her Guardian Ad Litem,
26 LAVETTE THOMAS, DARRELL LOGAN, SR., and ARZENIA RATLIFF, who demand a jury trial and
27 seek monetary compensation against all Defendants, as follows:

- 28 1. Plaintiff DARRELL LOGAN, SR., at all times mentioned herein, was an individual residing in

1 the County of Los Angeles, State of California. The Plaintiff, DARRELL LOGAN, SR., is the dependent
2 father of the decedent, Darrell Logan, Jr. as defined by Section 377.60 of the California Code of Civil
3 Procedure. The Plaintiff, DARRELL LOGAN, SR. relied, to the extent required for standing under
4 California law, on the decedent Darrell Logan, Jr., for financial support for the necessities of life. The
5 Plaintiff, DARRELL LOGAN, SR., sues as an individual in his own right, and as the Personal
6 Representative of the Estate of Darrell Logan, Jr., as defined by Section 377.60 of the California Code of
7 Civil Procedure, as a successor in interest, heir, and personal legal representative of the decedent to seek
8 redress for the deprivation of the decedent's rights and for those damages that the decedent sustained and
9 incurred before death, that the decedent would have been entitled to recover, had he lived as defined by
10 Section 377.34 of the California Code of Civil Procedure.

11 2. Plaintiff ARZENIA RATLIFF, at all times mentioned herein, was an individual residing in the
12 County of Los Angeles, State of California. The Plaintiff, ARZENIA RATLIFF, is the dependent mother
13 of the decedent, Darrell Logan, Jr. as defined by Section 377.60 of the California Code of Civil Procedure.
14 The Plaintiff, ARZENIA RATLIFF relied, to the extent required for standing under California law, on the
15 decedent Darrell Logan, Jr., for financial support for the necessities of life. The Plaintiff, ARZENIA
16 RATLIFF, sues as an individual in her own right, and as the Personal Representative of the Estate of
17 Darrell Logan, Jr., as defined by Section 377.60 of the California Code of Civil Procedure, as a successor
18 in interest, heir, and personal legal representative of the decedent to seek redress for the deprivation of the
19 decedent's rights and for those damages that the decedent sustained and incurred before death, that the
20 decedent would have been entitled to recover, had he lived as defined by Section 377.34 of the California
21 Code of Civil Procedure.

22 3. The Plaintiff, EMANI DINEH LOGAN, at all times mentioned herein, was a minor child residing
23 in the County of Los Angeles, State of California. The Plaintiff, EMANI DINEH LOGAN, is the child of
24 the decedent, Darrell Logan, Jr., as defined by Section 377.60 of the California Code of Civil Procedure.
25 The Plaintiff, EMANI DINEH LOGAN, sues as an individual in her own right through her mother and
26 Guardian ad Litem, LAVETTE THOMAS, and as a successor in interest, heir, and legal representative to
27 seek redress for the deprivation of the decedent's rights.

28 4. Plaintiffs are informed and believe, and thereon allege that, at all times herein

1 mentioned, Defendant COUNTY OF LOS ANGELES (hereinafter "COUNTY" or "defendant COUNTY"
2 or "defendants") and DOES 1 - 20 and each of them, were public entities duly organized and existing
3 under the laws of the State of California.

4 5. Defendant DOES 1 - 40, at all times alleged herein, were members of the LOS ANGELES
5 COUNTY SHERIFF'S DEPARTMENT, and DOES 41 - 100, and each of them (hereinafter collectively
6 referred to as "defendants") were employees, employers, supervisors, managers, agents, joint venturers,
7 directors, principals, or persons who were otherwise employed by or working with each of the other
8 defendants. The acts, omissions and conduct of Defendant DOE 1 through 40 and the other defendants
9 were authorized, ratified and/or approved of by each of the other defendants herein.

10 6. The true names or capacities, whether individual, corporate, associate, or otherwise of Defendant
11 Does 1 - 100, inclusive, are unknown to Plaintiffs, who therefore sue these Defendants by such fictitious
12 names pursuant to *Code of Civil Procedure* section 474. Plaintiffs will amend this complaint to allege
13 their true names and capacities when ascertained.

14 7. Plaintiffs are informed and believe and thereon allege that each of these defendants engaged in
15 intentional, reckless, or negligent conduct, and are responsible in some manner for the occurrences herein
16 alleged, and that plaintiffs' damages as herein alleged were directly and legally (proximately) caused by
17 defendants conduct.

18 8. The defendants (including all DOE defendants), in carrying out the acts complained of herein,
19 were acting in the course and scope of his, her, or their employment, or as the employer, employee,
20 principal, co-conspirator, and/or the agent of each of the other defendants, and/or in concert with the other
21 defendants, and/or in partnership with the other defendants (including all DOE defendants), and/or as a
22 joint venturer with the other defendants, and were negligent in the selection, hiring, and use of the other
23 defendants.

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

27 10. Each principal defendant and/or defendant employer herein had advance knowledge, warning of
28 unfitness of each defendant, agent, and/or employee/employer council member, and employed each such

1 agent and/or employer with a conscious disregard of the rights or safety of others and/or otherwise
2 authorized and ratified the wrongful conduct of each such agent and/or employee. As to each such
3 municipal or other entity defendant herein, the entity (ies) had advance knowledge and engaged, with the
4 individual Doe defendants in a deliberate indifference to, and a conscious disregard of, the rights, health
5 and safety of the decedent and plaintiffs herein. Defendants by their conduct authorized, ratified the acts
6 of the other defendants. The non Municipal defendants further engaged in acts of oppression, fraud, or
7 malice in furtherance of the employer's business. Such conduct was based on information and belief,
8 carried out by officers, directors, or managing agents of the municipality or other entity defendants.

9 11. On or about January 18, 2012, Plaintiffs filed a timely Governmental Claims for Damages.
10 A true and correct copy of the January 18, 2012 Claim is attached hereto as Exhibit "1". On or about
11 January 20, 2012, Plaintiffs filed a second, timely Governmental Claims for Damages. A true and correct
12 copy of the January 20, 2012 Claim is attached hereto as Exhibit "2". On or about March 2, 2012,
13 Plaintiffs filed a supplemental government claim for damages. A true and correct copy of the March 2,
14 2012 Supplemental Claim is attached hereto as Exhibit "3".

15 **FACTS APPLICABLE TO ALL CLAIMS**

16 12. Plaintiffs repeat and realleges paragraphs 1 - 11, as though fully set out herein.

17 13. On or about 1991, the Hon. Terry Hatter found a racist group of deputies existed within the Los
18 Angeles County Sheriff's Department. This group had terrorized minority members of the general public.
19 This group was called the Vikings and members were designated by a particular tattoo, which based on
20 information and belief included a picture of a smoking gun.

21 14. Later, the Kolts Commission confirmed the existence of groups such as the Vikings and other
22 gang-type cliques within the Department. The Commission urged eradication of such groups.

23 15. However, more deputy-gang cliques were formed within the Department. One particular group,
24 known as the Regulators, was an off shoot of the Vikings. Like the Vikings, Regulators had their own
25 tattoo. For both groups, membership was often conditioned upon involvement in officer-involved
26 shootings. Such groups are prevalent inside the Department.

27 16. The existence and activities of gang cliques are tolerated and ratified by the Los Angeles County
28 Sheriff's Department. Undersheriff Paul Tanaka is a tattooed member of the Vikings. On or about 1989,

1 Tanaka shot and killed an unarmed suspect in the back. Similarly, Tanaka's close friend, an Assistant
2 Sheriff, has personally been involved in two fatal shootings of suspects in the back. Tanaka has protected,
3 and enabled the existence, of deputy-gang cliques, encouraging members to work in the "grey." Members
4 of this clique are often promoted ahead of other deputies and have access to some of the highest ranking
5 members in the Sheriff's Department.

6 17. On or about 2010, the Los Angeles County Sheriff's Department's own monitor, Merrick Bobbs,
7 issued a report expressing concern about the department's activities in the Antelope Valley. Specifically,
8 the activities indicated racial bias.

9 18. On or about August 2011, the U.S. Department of Justice began a pattern-and-practice
10 investigation into racial discrimination by the Los Angeles County Sheriff's Department toward
11 "minorities" in the Antelope Valley.

12 19. On or about April 2011, a Hispanic male was viciously beaten outside of Antelope Valley Hospital
13 by numerous members of the Los Angeles County Sheriff's Department. The Hispanic male and two
14 witnesses were subsequently falsely arrested and maliciously prosecuted on trumped up charges, the very
15 kind Bobbs said was indicative of racial bias.

16 20. On or about June 2011, a jury found a Sheriff's deputy used excessive force and falsely arrested a
17 Palmdale resident, who was associated with "minorities." The Palmdale resident had been arrested on
18 trumped up charges, the very kind Bobbs said was indicative of racial bias. The Deputy who beat the man
19 called him a "nigger lover" as he was handcuffed and then beaten.

20 21. On or about January 2012, Los Angeles County Sheriff's Department deputies detained and used
21 excessive force against an African-American woman, Nikkia Wise, riding a bicycle. Based on information
22 and belief, the only reason to beat and injure her was because of her race.

23 22. On or about January 2012, Los Angeles County Sheriff's Department deputies shot and killed an
24 unarmed Hispanic man. Christian Cobian, riding his bicycle without justification. Based on information
25 and belief, the only reason to beat and injure her was because of his race/ national origin.

26 23. On or about April 20, 2012 the *Los Angeles Times* published an article, true and correct copy of
27 which is attached hereto as exhibit "4" in which it was revealed that Los Angeles County Sheriff's
28 Deputies earn honor and praise for Officer involved Shootings. The actions of defendants in violating

1 civil rights is so widespread and frequent as to cause a wide spread custom, pattern and practice within the
2 Sheriff's Department of tolerating, ratifying and condoning excessive force particularly against Latinos
3 and African Americans.

4 24. Like other victims of the Los Angeles County Sheriff's Department, Darrell Logan, Jr. ("Darrell")
5 was an African-American.

6 25. On or about October 13, 2011, members of the Los Angeles County Sheriff's Department arrived
7 at Darrell's home.

8 26. Without a warrant of any type, Sheriff deputies entered the private premises. Subsequently,
9 deputies entered the garage.

10 27. Darrell and another man were inside the garage. Deputies ordered the two men to raise their hands.
11 Darrell and the other man complied with the officers' verbal instructions and raised their hands. Darrell
12 did not threaten the officers in any manner. Darrell was unarmed and not in possession of any weapon.
13 However, the officers opened fire. Darrell was shot approximately eleven times. The vast majority of the
14 shots were in his back, including a number of fatal shots.

15 **FIRST CAUSE OF ACTION**

16 **FOR CIVIL BATTERY**

17 28. Plaintiffs repeat and re-allege paragraphs 1- 27, as though fully set out herein.

18 29. As alleged in detail herein, on or about October 13, 2011, Defendant deputies including all
19 applicable DOES, shot and killed Darrell Logan, Jr. without provocation, good cause, or any legal
20 justification. This intentional act was harmful and offensive to Darrell Logan, Jr. who did not consent to
21 the shooting, or being killed.

22 30. The conduct of Defendant Sheriff's Deputies directly and legally caused Darrell Logan, Jr.'s death.

23 31. As a direct result of the conduct of Defendants and each of them, Plaintiffs have suffered with
24 economic and non economic damages in a sum according to proof at time of trial, and in excess of the
25 minimum jurisdiction of this court.

26 32. The damages that plaintiffs suffered from also include, but are not limited to, loss of earnings, loss
27 of earnings opportunities, loss of future earnings, loss of employment benefits, loss of wages, loss of
28 promotional opportunities, loss of employment opportunities, loss of consortium, loss of companionship,

1 care, love and affection, past, present and/or future medical, psychological, psychiatric and/or hospital
2 bills and expenses for treatment for pain, suffering, emotional distress and other injuries caused by the
3 conduct of defendants and each of them. General damages are also sought for emotional distress, grief,
4 anger, fear, trepidation and chagrin, in a sum according to proof and in excess of the minimum jurisdiction
5 of this court as well as for the loss of the use of money, pre and post judgment interest, litigation costs,
6 attorneys' fees and such other damages as set out during trial.

7 33. Because the acts and omissions of defendants as described above were carried out in a deliberate,
8 cold, callous, intentional and/or unreasonable manner, caused injury and damage to plaintiffs as set forth
9 above, and were done with a conscious disregard of decedent's rights and safety, plaintiffs request the
10 assessment of punitive damages against all defendants (except for the county which is statutorily immune
11 to punitive damages under Government Code § 818) in an amount appropriate to punish or set an example
12 of said defendants.

13 **SECOND CAUSE OF ACTION**

14 **FOR WRONGFUL DEATH**

15 34. Plaintiffs repeat and re-allege paragraphs 1- 33, as though fully set out herein. The actions
16 of defendants COUNTY and DOES 1-100 were carried out under color of authority as the Los Angeles
17 County Sheriff's Department and its deputies were acting within the scope of their employment.

18 35. On or about October 13, 2011, defendants, acting in their official capacity as peace officers for the
19 Los Angeles County Sheriff's Department, and under color of authority, had in their possession weapons
20 issued, sanctioned, and approved of by their employer the Los Angeles County Sheriff's Department.
21 Defendants and each of them, used their Sheriffs Department weapons to kill Darrell Logan, Jr. by
22 shooting him multiple times in the back without justification.

23 36. As a proximate result of the shooting, Darrell Logan, Jr., was injured in his health, strength,
24 vitality and activity, and sustained injuries to his body including shock and injuries to his brain and
25 nervous system resulting in his death.

26 37. As a further proximate result of the acts or omissions of the aforesaid defendants as herein alleged,
27 Plaintiffs have sustained pecuniary and non pecuniary damages resulting from the loss of society, comfort,
28 companionship, attention, services and support of the decedent in an amount in excess of the jurisdictional

1 limit of the Court and subject to proof at trial.

2 38. As a further proximate result of the acts or omissions of the aforesaid defendants as herein alleged,
3 plaintiffs have incurred special damages, including Darrell Logan, Jr.'s medical expenses, funeral and
4 burial damages, in excess of the jurisdictional limit of this Court and subject to proof at trial.

5 39. As a further proximate result of the conduct, acts, or omissions on the part of the defendants,
6 plaintiffs have sustained pecuniary damages resulting from the loss of financial and household
7 contributions that decedent could have reasonably been expected to provide had he not been killed.

8 40. Because the acts and omissions of defendants and each of them were carried out in a deliberate,
9 cold, callous, intentional and/or unreasonable manner, causing injury and damage to plaintiffs as set forth
10 above, and done with a conscious disregard of decedent's rights and safety, plaintiffs request the
11 assessment of punitive damages against these defendants in an amount appropriate to punish or set an
12 example of these Defendants. There are no punitive damages sought against the County which is
13 statutorily immune.

14 **THIRD CAUSE OF ACTION FOR VIOLATION OF**
15 **CIVIL RIGHTS**

16 41. Plaintiffs repeat and realleges paragraphs 1 - 40, as though fully set forth herein.

17 42. Defendants and each of them have violated the state and federal civil rights of the plaintiff's
18 decedent and the plaintiffs.

19 43. For example, as set forth in *Civil Code* §52.1(b) "Any individual whose exercise or enjoyment of
20 rights secured by the Constitution or laws of the United States, or of rights secured by the Constitution or
21 law of this state, has been interfered with, or attempted to be interfered with, as described in subdivision
22 (a) may institute and prosecute in his or her own name and on his or her own behalf a civil action for
23 damages including, but not limited to, damages under Section 52, injunctive relief, and other appropriate
24 equitable relief to protect the peaceable exercise or enjoyment of the right or rights secured." Plaintiffs
25 bring this cause of action based upon Defendants' violation of his rights of liberty, to be free of
26 unreasonable searches and seizures, right to be free from bodily harm, unreasonable deprivation of life
27 without due process of law, deprivation of familial companionship and society, all of which are secured by
28 the Constitution and laws of California and the United States, and all of which were interfered with by

1 Defendants' conduct as set forth herein.

2 44. *Civil Code Section 52.1(g)* states "An action brought pursuant to this section is independent of any
3 other action, remedy, or procedure that may be available to an aggrieved individual under any other
4 provision of law, including, but not limited to, an action, remedy, or procedure brought pursuant to Section
5 51.7. The conduct of defendant DOES 1-40 in, inter alia, unlawfully depriving Darrell Logan, Jr. of his
6 life, in the use of unnecessary and clearly excessive force against him, is all in violation of *Civil Code*
7 *Section 52.1* and actionable as such.

8 45. During all times mentioned herein, each DOE defendant acted separately and in concert, under
9 color and pretense of law, under color of statute, ordinance, regulations, SHERIFF'S, practices, customs
10 and usages of Defendant COUNTY, the County of Los Angeles Sheriff's Department, and Does 1-40,
11 inclusive, and each of them, to engage in the conduct herein mentioned and deprived Darrell Logan, Jr. his
12 rights and privileges secured to him by the Fourth, Eighth and Fourteenth Amendments of the
13 Constitution of the United States and laws of the United States.

14 46. Defendants' conduct in violation of Plaintiff's civil rights, including but not limited to those rights
15 under §52.1, and 42 USC § 1983 proximately and legally caused damages to Plaintiffs, including, but not
16 limited to: pain, suffering, scarring, emotional distress, anger, fear, trepidation and chagrin, loss of
17 earnings, loss of earnings opportunities, loss of future earnings, loss of employment benefits, loss of
18 wages, loss of opportunities to find other employment, past, present and/or future medical, psychological,
19 psychiatric and/or hospital bills and expenses for treatment and other economic and non-economic
20 damages according to proof.

21 47. On or about October 13, 2011, there existed a clearly recognized state and federal right pursuant
22 to, among other things, the Fourth and Fourteenth Amendments of the United States Constitution to be
23 free from the objectively unreasonable deprivation of life without due process of law.

24 48. On or about October 13, 2011, Defendants were acting or purporting to act in the performance of
25 his or her duties as peace officers with the Los Angeles County Sheriff's Department when they shot and
26 killed Darrell Logan, Jr. Thus, Defendants were acting under color of state law.

27 49. On or about October 13, 2011, Darrell Logan, Jr. was not committing any crime. Moreover,
28 Darrell Logan, Jr. was complying and/or cooperating with officers. Darrell Logan, Jr. did not resist,

1 obstruct, flee from, or do anything unlawful when he was shot and killed. Darrell Logan, Jr. did not pose
2 an immediate threat to officers or anyone else.

3 50. On or about October 13, 2011, Defendants used excessive force when they shot and killed Darrell
4 Logan, Jr. Under the totality of the circumstances, the acts of Defendants constituted the deprivation of a
5 constitutionally protected right to life under color of California state law.

6 51. Plaintiffs request that the statutorily prescribed civil penalty of Twenty-Five Thousand Dollars
7 (\$25,000) per Civil Code §52.1(a) be imposed on each Defendant, so that each and every defendant pays
8 his, her, their statutory obligations.

9 52. Plaintiff is also entitled to attorneys fees pursuant to §52.1(h) ("In addition to any damages,
10 injunction, or other equitable relief awarded in an action brought pursuant to subdivision (b), the court
11 may award the petitioner or plaintiff reasonable attorney's fees.")

12 53. This violation of Darrell Logan, Jr.'s civil rights caused injuries, damages, and losses, including,
13 but not limited to, a deprivation of life under color of state law and such other and further damages as are
14 listed herein.

15 54. As a further proximate result of the acts or omissions of the aforesaid defendants as herein alleged,
16 Plaintiffs have sustained pecuniary damages resulting from the loss of society, comfort, companionship,
17 attention, services and support of the decedent in an amount in excess of the jurisdictional limit of the
18 Court and subject to proof at trial.

19 55. As a further proximate result of the acts or omissions of the aforesaid defendants as herein alleged,
20 plaintiffs have incurred special damages, including Darrell Logan, Jr.'s medical expenses, funeral and
21 burial damages, within the jurisdictional limit of this Court and subject to proof at trial.

22 56. That as a still further proximate result of the conduct, acts, or omissions on the part of the
23 defendants, plaintiffs have sustained pecuniary damages resulting from the loss of financial and household
24 contributions that decedent could have reasonably been expected to provide had she not been killed.

25 57. The conduct of Defendants and each of them was willful, wanton, oppressive, fraudulent,
26 despicable, threatening, intimidating and beyond that which should be tolerated by a civilized society.
27 The Defendants carried out their acts with a conscious disregard of the likelihood of causing injury,
28 suffering, or distress to Plaintiffs and therefore punitive damages in a sum according to proof, consistent

1 with the net worth of Defendants and in a sum sufficient to deter similar such conduct in the future is also
2 sought against all individual and non municipal Defendants.

3 **FOURTH CAUSE OF ACTION FOR VIOLATION OF**

4 **THE RALPH ACT**

5 58. Plaintiffs repeat and realleges paragraphs 1 - 57, as though fully set forth herein.

6 59. As set forth in the *California Civil Code* §51.7(a) "all persons within the jurisdiction of this state
7 have the right to be free from any violence, or intimidation by threat of violence, committed against their
8 persons or property because of political affiliation, or on account of any characteristic listed or defined in
9 subdivision (b) or (e) of Section 51, or position in a labor dispute, or because another person perceives
10 them to have one or more of those characteristics."

11 60. Defendants and DOES 1-40, inclusive, and each of them, by and through the acts detailed and
12 described herein, interfered with the exercise or enjoyment by Darrell Logan, Jr.'s rights secured to him
13 by the Constitution or laws of this State, in violation of *Civil Code* 51.7, by the unreasonable use of
14 excessive force perpetrated on him in a racially motivated manner.

15 61. Defendants, and each of them, deprived Darrell Logan, Jr. of rights protected by the Constitution
16 of the State of California and the United States. The conduct was executed with improper discriminatory
17 motive and intent, and with reckless and callous indifference to Darrell Logan, Jr.'s rights. During all
18 times mentioned herein, each Doe defendant acted separately and in concert with the other defendants,
19 under color and pretense of law, under color of statute, ordinance, regulations, SHERIFF'S, practices,
20 customs and usages of Defendant COUNTY, the County of Los Angeles Sheriff's Department, and Does
21 1-40, inclusive, and each of them, to engage in the conduct herein mentioned and deprived Plaintiff of his
22 civil rights and privileges secured to him by State laws, rules and ordinances as well as the Fourth, Eighth
23 and Fourteenth Amendments of the Constitution of the United States and laws of the United States.

24 62. Plaintiffs' damages include all statutory damages, fines, and penalties, and attorneys fees permitted
25 under civil rights laws, including without limitation those under *Civil Code* sections 51.7 et. seq.

26 63. As a further proximate result of the acts or omissions of the aforesaid defendants as herein alleged,
27 Plaintiffs have sustained pecuniary and non pecuniary damages resulting from the loss of society, comfort,
28 companionship, attention, services and support of the decedent in an amount in excess of the jurisdictional

1 limit of the Court and subject to proof at trial.

2 64. As a further proximate result of the acts or omissions of the aforesaid defendants as herein alleged,
3 plaintiffs have incurred special damages, including Darrell Logan, Jr.'s medical expenses, funeral and
4 burial damages, in excess of the jurisdictional limit of this Court and subject to proof at trial.

5 65. As a further proximate result of the conduct, acts, or omissions on the part of the defendants,
6 plaintiffs have sustained pecuniary damages resulting from the loss of financial and household
7 contributions that decedent could have reasonably been expected to provide had he not been killed.

8 66. Because the acts and omissions of defendants and each of them were carried out in a deliberate,
9 cold, callous, intentional and/or unreasonable manner, causing injury and damage to plaintiffs as set forth
10 above, and done with a conscious disregard of decedent's rights and safety, plaintiffs request the
11 assessment of punitive damages against these defendants in an amount appropriate to punish or set an
12 example of these Defendants. There are no punitive damages sought against the County which is
13 statutorily immune.

14 WHEREFORE, plaintiffs pray for the following:

- 15 1. Loss of income, support, services, advice, love, food, clothing, shelter and any financial
16 contributions decedent probably would have made;
- 17 2. Damages for both economic and non economic losses according to proof at time of trial;
- 18 3. Burial and Funeral costs;
- 19 4. Medical, hospital, ambulance and other medical expenses afforded to decedent prior to death;
- 20 5. Compensatory damages and nominal damages caused by deprivation of constitutional rights;
21 damages);
- 22 6. Litigation costs;
- 23 7. Attorneys' fees, as allowed by statute;
- 24 8. Interest;
- 25 9. Punitive damages (against the non-municipal Defendants only);
- 26 10. Civil Penalties of \$25,000 as specified in Civil Code §52.1(a); and
- 27 11. Damages pursuant to Family Code §297.5, C.C.P. §377.30; C.C.P. §377.34, C.C.P. §377.60,
28 C.C.P. §377.61, Civil Code §3282, Civil Code §3333, C.C.P. §377(a), Probate Code §573; and all

1 other laws, rules and statutes that are applicable.

2 12. Any other relief or damages allowed by law, or statutes not set out above, and such further relief as
3 this Court deems just and proper at conclusion of trial.

4 Dated: April 24, 2012

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

7 By:  _____

Bradley C. Gage

Milad Sadr

Attorneys for Plaintiffs

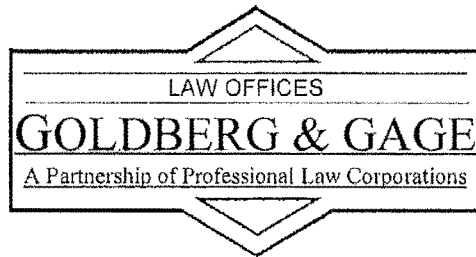
11 O:\LOGAN-Darrell\PLEADINGS\COMPLAINT\04-25-12 complaint final.wpd

"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

January 18, 2012

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 2308 9890

Re: **Government Claims** of Darrell Logan, Sr., Arzenia Ratliff, Lavette Thomas individually, and as the Guardian ad Litem of Emani Dineh Logan, a minor

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:

Darrell Logan, Sr., Arzenia Ratliff, Lavette Thomas individually, and as the Guardian ad Litem of Emani Dineh Logan, a minor (Collectively, "the Logan 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:

Shooting Address 3117 Heather Ave, Palmdale, CA 93550 October 13, 2011. Wrongful Death. The claimants are heirs.

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

Darrell Logan Jr. was victim of an unjustified shooting by members of the Los Angeles County Sheriff's Department on October 13, 2011 around 11:48a.m. He was shot in the back 11 times while his hands were up. There was not a warrant for his arrest, he was not committing a crime at

the time, not in possession of a weapon, and complied with officer commands. The autopsy report confirms all of the shots were in the back.

The Sheriff's Department in the Antelope Valley (Palmdale and Lancaster stations) is well known for racially motivated crimes. Mr. Logan was African American. The Sheriff's Department is under investigation and has been sued repeatedly for hate based crimes against people "of color," specifically, African American's and Latino's.

In 2011, the Sheriff's Department had a judgment against hit for over \$1.6 million when three deputies beat an apartment manager in Palmdale in a complex primarily African American. While the man was beaten (while in handcuffs) he was called a "nigger lover." Deputy Sorrow of the Sheriff's Department was alleged in another incident to have mercilessly slammed the head of an African American male into a wall until knocked unconscious. The victim was in handcuffs at the time. Sorrow further threatened to throw the man over a second story railing.

In another well publicized incident, several sheriff's Deputies were caught on video tape beating a Latino man at the Antelope Valley Hospital, without provocation.

The ACLU has filed numerous reports of beatings by Sheriff's Deputies in Men's Central Jail, without provocation. In the past, when Lieutenants and Captains attempted to stop the excessive force, their efforts were squelched by the current undersheriff.

On TV, when a Sergeant filed a lawsuit about gang like groups in the Sheriff's Department (Lynwood Vikings, Regulators and the like) Sheriff Bacca's response was that Deputies just need to "man up" and accept gang like behavior. The Sergeant after complaining about racially based gangs was then threatened by another Sergeant with a gun, yet the Sheriff's Department did not fire the Sergeant for pulling the gun.

United States Judge Terry Hatter described the Vikings as a neo nazi type of hate organization. Sheriff Bacca recognized the prevalence of these gang like groups, said there was no justification for them, yet he promoted Tanaka to Under Sheriff even though Tanaka had a tattoo identifying himself as part of the Vikings.

The racially motivated actions of the Sheriff's Department was a motivating reason, and a substantial factor in the unjustified and unwarranted shooting of Daniel Logan, Jr. Mr. Logan was shot in the back 11 times without reason. The shooting was by unknown Caucasian and/or Latino Deputies and was in part racially motivated.

The actions of the defendants and each of them support claims for violations of the Bane Act, Ralph Act, negligence, wrongful death, battery, assault, false imprisonment, RICO based conspiracy, and civil rights violations.

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 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

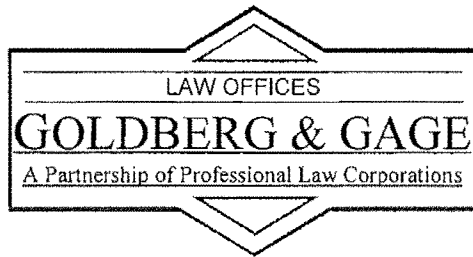
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"Exhibit 2"

Terry M. Goldberg*

Milad Sadr



Bradley C. Gage*

*A PROFESSIONAL LAW CORPORATION

*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

January 20, 2012

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 00022308 9913

Re: **Government Claims** of the Estate of Darrell Logan, Jr.

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:

Estate of Darrell Logan, Jr.; Darrell Logan, Sr., Arzenia Ratliff, Lavette Thomas individually, and as the Guardian ad Litem of Emani Dineh Logan, a minor (Collectively, "the Logan 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:

Shooting Address 3117 Heather Ave, Palmdale, CA 93550 October 13, 2011. Wrongful Death. The claimants are heirs.

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

Darrell Logan Jr. was victim of an unjustified shooting by members of the Los Angeles County Sheriff's Department on October 13, 2011 around 11:48a.m. He was shot in the back 11 times while his hands were up. There was not a warrant for his arrest, he was not committing a crime at

the time, not in possession of a weapon, and complied with officer commands. The autopsy report confirms all of the shots were in the back.

The Sheriff's Department in the Antelope Valley (Palmdale and Lancaster stations) is well known for racially motivated crimes. Mr. Logan was African American. The Sheriff's Department is under investigation and has been sued repeatedly for hate based crimes against people "of color," specifically, African American's and Latino's.

In 2011, the Sheriff's Department had a judgment against it for over \$1.6 million when three deputies beat an apartment manager in Palmdale in a complex primarily African American. While the man was beaten (while in handcuffs) he was called a "nigger lover." Deputy Sorrow of the Sheriff's Department was alleged in another incident to have mercilessly slammed the head of an African American male into a wall until knocked unconscious. The victim was in handcuffs at the time. Sorrow further threatened to throw the man over a second story railing.

In another well publicized incident, several sheriff's Deputies were caught on video tape beating a Latino man at the Antelope Valley Hospital, without provocation.

The ACLU has filed numerous reports of beatings by Sheriff's Deputies in Men's Central Jail, without provocation. In the past, when Lieutenants and Captains attempted to stop the excessive force, their efforts were squelched by the current undersheriff.

On TV, when a Sergeant filed a lawsuit about gang like groups in the Sheriff's Department (Lynwood Vikings, Regulators and the like) Sheriff Bacca's response was that Deputies just need to "man up" and accept gang like behavior. The Sergeant after complaining about racially based gangs was then threatened by another Sergeant with a gun, yet the Sheriff's Department did not fire the Sergeant for pulling the gun.

United States Judge Terry Hatter described the Vikings as a neo nazi type of hate organization. Sheriff Bacca recognized the prevalence of these gang like groups, said there was no justification for them, yet he promoted Tanaka to Under Sheriff even though Tanaka had a tattoo identifying himself as part of the Vikings.

The racially motivated actions of the Sheriff's Department was a motivating reason, and a substantial factor in the unjustified and unwarranted shooting of Daniel Logan, Jr. Mr. Logan was shot in the back 11 times without reason. The shooting was by unknown Caucasian and/or Latino Deputies and was in part racially motivated.

The actions of the defendants and each of them support claims for violations of the Bane Act, Ralph Act, negligence, wrongful death, battery, assault, false imprisonment, RICO based conspiracy, and civil rights violations.

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

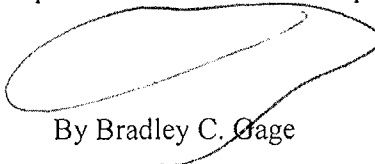
Los Angeles County Sheriffs Deputies whose names are not presently known, acting on behalf

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

A handwritten signature in black ink, appearing to read "Bradley C. Gage", is written over a large, irregular oval shape that serves as a background for the signature.

By Bradley C. Gage

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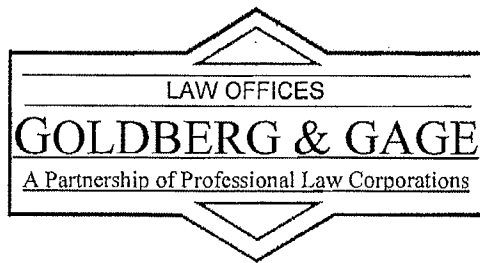
2012 0110 0002 2304 9913

"Exhibit 3"

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

March 1, 2012

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 2308 9968

Re: **Government Claims** of the Estate of Darrell Logan, Jr. - Supplemental Governmental Claim of the Estate of Christian Cobian; claim of Carmen Cobian; Juan Cobian Governmental Claim of Nikkia Wise; Supplemental Claim of William Fetters. Supplemental Claim of Marcos, Maria and DaMaso Chiclana, and of Ibara De Leon

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. To the extent applicable, please also consider this a supplemental governmental claim.

A. NAME OF THE CLAIMANTS:

Estate of Darrell Logan, Jr.; Darrell Logan, Sr., Arzenia Ratliff, Lavette Thomas individually, and as the Guardian ad Litem of Emani Dineh Logan, a minor (Collectively, "the Logan family, or plaintiffs.") William Fetters; through his Guardian ad Litem Kim Harding; the Estate of Christian Cobian; Carmen Cobian; Juan Cobian; Nikkia Wise, Marcos Chiclana, Maria Chiclana, DaMaso Chiclana, Ibara De Leon; Sgt. Mark Moffett.

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:

Logan Shooting Address 3117 Heather Ave, Palmdale, CA 93550; October 13, 2011. Wrongful Death. The claimants are heirs.

Cobian shooting address: Between J-4 and 10th Street West, Lancaster, CA 93534

Fetters shooting 20th St. East by 10th St.

Chiclana beating: Antelope Valley Hospital - Prior Claims filed. This is a supplemental claim.

Wise beating West Ave. I near 15th St West.

Moffett - gun pointing incident Compton Sheriff's Station.

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

THERE ARE COMMON QUESTIONS OF LAW AND FACT:

All of the claimants, or decedents were subjected to excessive force by members of the Los Angeles County Sheriff's Department, Palmdale/Lancaster Stations.

All of the plaintiffs were unarmed. (Except Moffett who is a Sheriff's Deputy, and had his gun in his holster.)

The Defendants were members of the Sheriff's Department in the Course and Scope of their Duties.

The Defendants engaged in illegal searches and seizures, violated the civil rights of each of the plaintiffs and targeted the plaintiffs because they are either African American or Latin American. Any Caucasian plaintiff was associated with African Americans

The defendants engaged in excessive force, false arrests, false imprisonment, assaults, batteries, malicious prosecutions, cover ups, the code of silence, falsifications of police reports, violations of the Bane Act and Ralph Act towards each of the plaintiffs, civil rights violations in violation of 42 USC Section 1983. Defendants further intentionally and negligently caused emotional distress to each plaintiff.

None of the Plaintiffs resisted arrest, yet they were beaten, or shot without justification. None of the civilian plaintiffs had a gun when they were shot. Defendants engaged in an illegal search and seizure on each plaintiff in violation of their constitutional rights.

The Department of Justice is, based on information and belief, investigating the Sheriff's Department for targeting "minorities" with excessive force.

Studies have demonstrated that “minorities” have been the subject of disproportionately high numbers of excessive force.

The Sheriff’s Department has tried to cover up its wrong doing, falsified reports and investigations, and dissuaded witnesses from filing complaints. Deputies adhere to a “code of silence” and the “good ole boys” philosophy.

Those plaintiffs who filed complaints of excessive force were then harassed by Sheriff’s Deputies who followed them, went to their homes, and tried to intimidate witnesses.

As an example, Darrell Logan Jr. was victim of an unjustified shooting by members of the Los Angeles County Sheriff’s Department on October 13, 2011 around 11:48a.m. He was shot in the back 11 times while his hands were up. There was no warrant for his arrest, he was not committing a crime at the time, not in possession of a weapon, and complied with officer commands. The autopsy report confirms all of the shots were in the back. Logan was African American. Based on information and belief, one of the motivating reasons for the shooting was his skin color and race/national origin.

Similarly, Christian Cobian was riding his bicycle on his way home from the store. Sheriff’s Deputies shot him in the leg and groin region. He was not armed. There was no justification for the shooting. He begged for help and for his mother. Deputies then walked up to him and executed him by shooting him in the head and other portions of his body while he laid on the ground suffering. Christian was Latino. Based on information and belief, one of the motivating reasons for the shooting was his skin color and race/national origin. Based on information and belief, the Deputies who shot Mr. Cobian include those who shot Mr. Logan and/or those who beat the other plaintiffs in this action, though their identities are not yet known. Specifically, based on information and belief, the individuals involved in the execution of Mr. Cobian were Deputies Esswein, Foster and Sorrow amongst others.

William Feters, a 15 year old boy was also riding his bicycle when Deputies Sorrow and Campbell approached him. Sorrow without justification shot William in the back region. Sorrow knew based on information and belief that William’s grandmother and guardian had an African American boyfriend, described by a Sheriff’s Department witness as being “colored.”

Sorrow previously was found guilty of civil rights violations for beating Noel Bender, a Caucasian who lived in an almost exclusively African American apartment complex. When Bender was handcuffed and beaten, witnesses heard Sorrow yell “nigger lover” repeatedly. The Sheriff’s Department knowing of Sorrow’s actions, and the finding of punitive damages against him keep Sorrow as a training officer. The FTO’s help train other deputies in the proper way to treat members of the community.

In the Feters action, it was revealed the defendants like to target bicyclists because “its easy.” Nikkia Wise also was bicycling when she was beaten by Deputies Esswein and Foster, as shown by the attached declarations. (Exhibits 1 and 2) which are incorporated by this reference. The beating was without justification. Based on information and belief, one of the motivating

reasons for the beating was her skin color and race. The deputies who beat Nikkia were Esswein and Foster. They were two of the deputies who beat Marcos Chiclana and forced his 70 year old mother to the ground.

Marcos Chiclana was at the hospital, assisting his father who just had open heart surgery. Deputies Esswein, Foster and others without justification beat Marcos. They knocked over his mother who is around 70 years old, frail and has dementia. His father Damaso was injured by the Deputies and based on information and belief nearly bled to death while undergoing life saving treatment at Los Angeles County Hospital where he was rushed because Antelope Valley Hospital could not assist him. Mr. DeLeon was with the Chiclana family when the beating occurred. The beating broke several bones in Marco's face. He may become permanently blind in one eye from the beating. Based on information and belief, one of the motivating reasons for the beating and injuries to these plaintiffs was their skin color, race and national origin. Additional facts are in the lawsuit copy of which is attached hereto as exhibit "3" and incorporated by this reference, and the declaration of Mr. Bozzo, exhibit "4".

When the Chiclana incident was on television, the Sheriff's Department spokesperson, Steve Whitmore, went on television and in the press and made defamatory statements. He gave false information to the media about the Department's attack on the Chiclana family. Moreover, he claimed there was a second video tape of the incident in possession of the Sheriff's Department. However, in the criminal action, when this was requested, the District Attorney claimed there was no such video. Thus, either Whitmore lied about this evidence, to defame the plaintiffs and put them into a false light, or he has concealed and destroyed evidence that would further demonstrate the actions of the deputies were unjustified in violation of civil rights, such as the Bane and Ralph Acts (which apply to all of the plaintiffs).

Sgt. Mark Moffett is part Asian, part Native American. He is a member of the Sheriff's Department. He was subjected to racial slurs and multiple acts of harassment as further set out in exhibit "5" which is a copy of his lawsuit and which is incorporated by this reference. The person who pointed a loaded gun at Sgt. Moffett is Sgt. Tim Cooper. Cooper is a confirmed member of both the Vikings and the Regulators. These groups of Sheriff's Deputies have been described by Judge Terry Hatter as being "Neo Nazi's" and "White Supremacists." Sgt. Booker previously testified to hearing the N word repeatedly by deputies and Lt. Tokuda testified that he heard numerous anti-Asian racial slurs in the Sheriff's Department. Sgt. Skrnich testified to making numerous racial slurs.

The highest ranking member of the Sheriff's Department is Lee Baca who has stated under oath that he is part Caucasian. Baca is elected. The highest appointed member of the Los Angeles County Sheriff's Department is the Under Sheriff, Mr. Paul Tanaka. Tanaka also has a Viking tattoo on his ankle. He received an invitation to the Vikings after he shot and killed an Asian man. The tattoos are numbered, and careful records are kept of the members. Based on information and belief, the Viking tattoo and Regulator tattoo include the image of a smoking gun. When a member of the Sheriff's Department kills a person, they get extra tattoo images such as more smoke signifying the number of people they killed. The shootings are unjustified and criminal in many instances, yet they are condoned by the Sheriff's Department.

United States Judge Terry Hatter described the Vikings as a neo nazi type of hate organization. Sheriff Baca recognized the prevalence of these gang like groups, said there was no justification for them, yet he promoted Tanaka to Under Sheriff even though Tanaka had a tattoo identifying himself as part of the Vikings. These Vikings have in some instances migrated to the Antelope Valley and based on information and belief were involved in the beatings and shootings of the plaintiffs.

On TV, when a Deputy filed a lawsuit about gang like groups in the Sheriff's Department (Lynwood Vikings, Regulators and the like) Sheriff Baca's response was that Deputies just need to "man up" and accept gang like behavior. The Deputy after complaining about racially based gangs was then threatened.

Sheriff Baca has stated in the media that Tanaka removed his tattoo before he was promoted by Baca. However, Assistant Sheriff Rhambo recently testified that Tanaka still has the tattoo on his ankle. When the head of the department provides false information to cover up wrong doing, it is easy to understand why so many acts of excessive force and cover up are occurring in the Sheriff's Department, particularly in the Antelope Valley.

Tanaka has specifically gone to meetings with new Sergeants telling them to work in the "gray area" and to protect one another. Officers are also trained to yell out "stop fighting" or "stop resisting" when they are beating a citizen to cover up their wrong doing. Tanaka has covered up investigations of officers for use of unjustified force.

The Sheriff's Department in the Antelope Valley (Palmdale and Lancaster stations) is well known for racially motivated crimes. Mr. Logan was African American. The Sheriff's Department is under investigation and has been sued repeatedly for hate based crimes against people "of color," specifically, African Americans and Latinos.

Tanaka also, based on information and belief, interfered with and obstructed investigations of deputies for use of force in multiple settings, including without limitation, at the Men's Central Jail, and Cooper's pointing a gun at Moffett. The protection of deputies who used excessive force in the jails created a problem for citizens because those deputies usually went from custody to patrol. They brought with them the tactics of beating people learned in the jails when they went to the streets. For an example of how deputies are beating inmates please see exhibit "6" attached hereto and incorporated by this reference. The ACLU has filed numerous reports of beatings by Sheriff's Deputies in Men's Central Jail, without provocation. In the past, when Lieutenants and Captains attempted to stop the excessive force, their efforts were squelched by the current undersheriff. (Tanaka)

In 2011, the Sheriff's Department had a judgment against it for over \$1.6 million when three deputies beat an apartment manager in Palmdale in a complex primarily African American. While the man was beaten (while in handcuffs) he was called a "nigger lover." Deputy Sorrow of the Sheriff's Department was alleged in another incident to have mercilessly slammed the head of an African American male into a wall until knocked unconscious. The victim was in handcuffs at the time. Sorrow further threatened to throw the man over a second story railing.

The racially motivated actions of the Sheriff's Department was a motivating reason, and a substantial factor in the unjustified and unwarranted shootings and beatings of these plaintiffs

The actions of the defendants and each of them support claims for violations of civil rights such as the Bane Act, Ralph Act, § 1983, negligence, wrongful death, battery, assault, false imprisonment, defamation, RICO based conspiracy, and civil rights violations. The plaintiffs also have claims for intentional infliction of emotional distress, negligence, defamation, false light, misrepresentation, failure to train, failure to take corrective action and other state and federal claims. Punitive damages are appropriate against the individual defendants.

Photographs of one of the defendants shooting victims are attached as exhibit "7".

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 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. Deputies Eswein, Foster and Sorrow and those named in the attached exhibits and listed above..

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 1"

DECLARATION OF NIKKIA WISE

I, Nikkia Wise, declare and state that I have personal knowledge of the facts set out herein below. I am over 18 years of age and I am competent to provide this declaration. If called upon to do so, I could and would testify to the following facts:

1. My home is located in Lancaster, California.
2. On or about January 11, 2012, at about 8:00 p.m., I was on my bicycle on my way home. I was at West Avenue I, near 15th Street West.
3. Suddenly, a car pulled up behind me and stopped. A Sheriff's Deputy, who I later discovered is Deputy Jeremy Esswein, popped out of the car. Esswein demanded I get off my bike and asked where I was headed.
4. Before I could fully respond, Esswein forced my hands behind my back, pulled me off the bike and threw me onto the police car without justification.
5. Esswein asked whether I had anything on me. I told him no. At this point, I was bent over the police car, while Esswein pressed his arm into me. I told Esswein I could not breathe. He was hurting me. There was no reason for him to hurt me as I was not resisting him at all. I had done nothing wrong.
6. I have asthma, which was acting up because I was scarred and distressed.
7. Esswein then asked whether I had any warrants or if I was on probation. I replied that I have never been in trouble and this was my first encounter with law enforcement.
8. I tried raising my head, but then another deputy, who I later learned was Deputy Curtis Foster, put me in a headlock. Foster was choking me.
9. Suddenly, I was tackled from behind and slammed against the police car. Then, I was placed in tight handcuffs. Deputies Foster and Eswein put their shoulders into me, causing me pain.
10. At this point, I was crying and pleading with the deputies to stop hurting me. I told them that I could not breathe.
11. But the deputies ignored my pleas and stated that since I could talk that I was fine.
12. Both deputies dragged me to the curb, while I was in handcuffs, and forcefully restrained me until other deputies arrived. I was not fighting or resisting at any time. There was no justification for

1 their use of force on me.

2 13. Esswein was on my left side, pressing down on me. Foster was on my right side pressing down on
3 me and choking me with my sweater. I was told the officers they were choking me.

4 14. Soon thereafter, more deputies arrived at the scene. One of the deputies told me that I was pulled
5 over because I did not have a light on my bicycle.

6 15. Later, I had one deputy on my left side searching me and another deputy on my right searching me.
7 Deputy Eswein repeatedly said "make sure you search her thoroughly." Eswein also made me
8 take off my shoes.

9 16. Eventually, I was ticketed for not having a light on my bicycle and not having valid identification.
10 While I do not have a driver's license or identification card, I did produce my Access Card, which
11 has my name and photo. But deputies deemed that my card was not valid identification. I also
12 believe the Deputies saw in the computer that I had gone to the DMV in December to obtain my
13 identification card. While I did not have that identification yet, I believe the Deputies could see
14 the identification card on the computer.

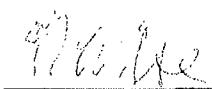
15 17. I was detained for about an hour before being allowed to leave. Subsequently, I went to the
16 Lancaster Sheriff's station and filed a written complaint against Deputies Eswein and Foster.

17 18. At no time, did I fight back or resist the deputies. I just cried in pain. I believe that I was stopped
18 and treated badly because I am African-American. I am aware of other minorities, including
19 African-Americans, who were stopped without cause and poorly treated by Sheriff's deputies.

20 19. Since I have filed a complaint, Sheriff's Deputies have followed me, harassed my family and made
21 me very concerned for my safety, causing me further extreme emotional distress.

22 20. I was told that one deputy has broken the nose of approximately 36 different people.

23 I declare the foregoing is true and correct under the penalty of perjury under the laws of the State
24 of California and the United States. Executed on February 24, 2012 in Woodland Hills, California

25 
26 _____

27 Nikkia Wise, Declarant
28

"Exhibit 2"

DECLARATION OF JAMIKA WILSON

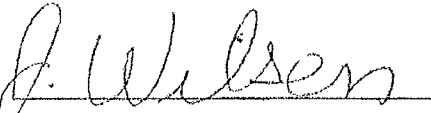
I, Jamika Wilson declare and state that I have personal knowledge of the facts set out herein below. I am over 18 years of age and I am competent to provide this declaration. If called upon to do so, I could and would testify to the following facts:

1. My home is located in Lancaster, California.
2. On or about January 11, 2012, at about 8:00 or 9:00 p.m.. I was in the EDD parking lot near the intersection of West Avenue I and 15th Street West. I observed an African American young woman I later learned was ikkia Wise on the corner when a Sheriff's Dept. Patrol car pulled up suddenly behind her. The car had turned off its lights before it rolled up to her. I observed a Sheriff's Deputy jump out of the car. He forced the woman's hands behind her back, pulled her off the bicycle and forcefully threw her onto the police car without justification. The woman was not resisting arrest in any way.
3. I saw the woman (who I later learned was Nikkia) bet over the police car, while an officer pressed his arms onto her. I could hear Nikkia telling the Deputy repeatedly that she could not breathe.
4. I was worried for my own safety, and then I turned around to leave the area. The actions of the two Deputies at the scene did not seem proper to me.
5. I spoke to the Sheriffs Department, and told them that the deputies used force, forcing her onto the hood of the car. The investigator told me not to use the word "force" I told her that is what it looked like to me. I have not been provided with a copy of my statement, and I am sure that if it was provided, that would help to give further information in this matter. I have since learned the Deputies that used force were Deputies Eswein and Foster.
6. It looked to me that the way the Deputies used force, they were manhandling Nikkia.
7. Later, I learned that the victim of the unjustified violence as my friend Nikkia. I took her to the hospital the next morning as she complained of pain in her shoulder area, and the area where her ribs and chest bones met, and other parts of her body. She had bruises on her back from the force inflicted on her by the Deputies. Nikkia required a sling.

//

//

1 I declare the foregoing is true and correct under the penalty of perjury under the laws of the State
2 of California and the United States. Executed on February 24, 2012 in Woodland Hills, California

3 
4

5 Jamika Wilson Declarant
6
7
8
9
10
11

"Exhibit 3"

Bradley C. Gage, Esq. S.B. No 117808
Milad Sadr, Esq. S.B. No. 245080
LAW OFFICES OF GOLDBERG & GAGE
A Partnership of Professional Law Corporations
23002 Victory Boulevard
Woodland Hills, California 91367
Tel: (818) 340-9252 Fax: (818) 340-9088

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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. LaFleur-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

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

3 3. The COUNTY OF LOS ANGELES is organized into departments and offices, including the Los
4 Angeles County Sheriff's Department (sometimes hereinafter: "LASD"). Each department is
5 charged with responsibilities related to the function, progress and development of the COUNTY.

6 4. At all times herein mentioned, the COUNTY OF LOS ANGELES operated its Sheriff's
7 Department (LASD) and employed Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM
8 and DOES 11-80.

9 5. Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES 11-80 were at all times
10 alleged herein members of the COUNTY OF LOS ANGELES' Sheriff's Department. DOES 11 -
11 80, and each of them (hereinafter collectively referred to as "Defendants") were employees,

12 employers, supervisors, managers, agents, joint venturers, directors, principals, or persons who
13 were otherwise employed by or working with each of the other Defendants.

14 6. At all applicable times, Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES
15 11-80 were acting in the course and scope of their employment as peace officers with the
16 COUNTY OF LOS ANGELES' Sheriff's Department. The acts, omissions and conduct of
17 Defendants ESSWEIN, DIEZ, FOSTER, EPSTEIN, HOLM and DOES 11-80 were authorized,
18 ratified and/or approved of by each of the other Defendants herein.

19 7. The true names or capacities, whether individual, corporate, associate, or otherwise of Defendants
20 Does 1 - 80, inclusive, are unknown to Plaintiff, who therefore sues these Defendants by such
21 fictitious names pursuant to *Code of Civil Procedure* section 474. Plaintiff will amend this
22 complaint to allege their true names and capacities when ascertained.

23 8. Plaintiff is informed and believes and thereon alleges that each of these Defendants engaged in
24 intentional, reckless, or grossly negligent conduct, and are responsible in some manner for the
25 occurrences herein alleged, and that Plaintiffs' damages as herein alleged were directly and legally
26 caused by the wrongful conduct of Defendants and each of them.

27 9. The Defendants (including all DOE defendants), in carrying out the acts complained of herein,
28 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.

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

14 **FIRST CAUSE OF ACTION**

15 **FOR ASSAULT AND CIVIL BATTERY BY PLAINTIFF MARCO CHICLANA**

16 **AGAINST ALL DEFENDANTS**

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

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

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

8 44. Because the acts and omissions of Defendants and Does 11-80, inclusive as described above were
9 carried out in a deliberate, cold, callous, intentional and/or despicable manner, causing injury and
10 damage to Plaintiff as set forth above, and done with a conscious disregard of Plaintiffs rights and
11 safety, Plaintiff request the assessment of punitive damages against all Defendants except the

12 County in an amount appropriate to punish or set an example of these Defendants. Due to
13 applicable law, no punitive damages are sought against Defendant COUNTY OF LOS ANGELES.

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

17 **SECOND CAUSE OF ACTION**

18 **FOR INTENTION INFLICTION OF EMOTIONAL DISTRESS**

19 **BY PLAINTIFFS MARCO CHICLANA & MARIA CHICLANA**

20 **AGAINST ALL DEFENDANTS**

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

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

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

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

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

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

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

23 **THIRD CAUSE OF ACTION**

24 **FOR FALSE ARREST AND FALSE IMPRISONMENT**

25 **BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS**

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

28 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

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

3 **FOURTH CAUSE OF ACTION**

4 **FOR MALICIOUS PROSECUTION**

5 **BY IBARRA DE LEON & MARIA CHICLANA**

6 **AGAINST ALL DEFENDANT DOES**

7 58. Plaintiffs repeat, re-allege and incorporate every allegation set forth above in paragraphs 1-57
8 inclusive as though set forth verbatim herein.

9 59. Defendant DOEs caused criminal proceedings to be instituted against Plaintiffs DE LEON &
10 MARIA CHICLANA by falsely alleging that Plaintiffs interfered, obstructed, resisted, and/or
11 harmed peace officers in the lawful exercise of their duties.

12 60. Without probable cause and with malice, Defendant DOEs procured arrest warrants against
13 plaintiffs by providing knowingly false information in arrest warrant affidavits. As a result,
14 Plaintiffs were arrested and criminal charges filed. The Los Angeles County District Attorney did
15 not exercise independent judgment when filing criminal charges against DE LEON and MARIA
16 CHICLANA. Defendant DOEs made material omissions and provided false information to the
17 District Attorney.

18 61. The criminal prosecution of the plaintiffs ended in their favor. A superior court judge dismissed
19 the charges against DE LEON and MARIA CHICLANA's criminal case similarly ended in her
20 favor, but not until after both plaintiffs suffered economic and non-economic damages as a direct
21 and legal result of the defendants actions.

22 62. No reasonable person under the circumstances would have believed that there were grounds for
23 causing the plaintiffs to be arrested or prosecuted. A videotape of the April 2, 2011 incident clearly
24 shows that the Plaintiffs did nothing wrong and violated no laws. Thus, defendants' malicious
25 prosecution was in violation of state and federal laws, including without limitation, 42 USC §
26 1983.

27 63. Defendant DOEs conduct were motivated by a malicious desire to deny Plaintiffs equal protection
28 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

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

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

8 71. During all times mentioned herein, Defendants and each of them, acted separately and in concert,
9 under color and pretense of law, under color of statute, ordinance, regulations, SHERIFF’S,
10 practices, customs and usages of Defendant COUNTY , the County of Los Angeles Sheriff’s
11 Department, and Does 1-80, inclusive, and each of them, to engage in the conduct herein

12 mentioned and deprived Plaintiff of his rights and privileges secured to him by the First, Fourth,
13 Eighth and Fourteenth Amendments of the Constitution of the United States and laws of the
14 United States.

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

22 73. Plaintiffs request that the statutorily prescribed civil penalty of Twenty-Five Thousand Dollars
23 (\$25,000) per violation, per plaintiff, against each defendants pursuant to Civil Code §52.1(a) and
24 other applicable civil rights laws, be imposed on each Defendant and/or DOE DEFENDANT.

25 74. Plaintiffs are also entitled to attorneys fees pursuant to State and Federal Civil Rights Statutes
26 that apply to this case, including without limitation §52.1(h) (“In addition to any damages,
27 injunction, or other equitable relief awarded in an action brought pursuant to subdivision (b), the
28 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

21
22 O:\C\CHICLANA-MARCO\PLEADINGS\COMPLAINT\FINAL\11-28-11 fin.wpd
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24
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28

"Exhibit 4"

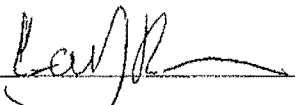
1 DECLARATION OF LOUIS BOZZO

2 I, Louis Bozzo , declare and state that I am a Mechanic for Southern California Material Handling.
3 in Pico Rivera , CA on I was at the Antelope Valley Hospital on April 2, 2011. I have personal
4 knowledge of the facts set out herein below. I am over 18 years of age and I am competent to provide this
5 declaration. If called upon to do so, I could and would testify to the following facts:

- 6 1. My home address is 7000 Vicky Ave., West Hills, CA 91307
- 7 2. On April 2, 2011, I was at the hospital visiting Damaso, who I work with.
- 8 3. When I arrived, Marco's father (Damaso) was confused from the medication he received at the
9 hospital. He was loud. Marco was having difficulty speaking to his father, so I approached
10 Damaso being his co worker in an effort to help relieve his confusion..
- 11 4. Damaso had two screw driver's he was using to try and start a car, as he was confused about where
12 he was and evidently thought the screw drivers were keys. I pulled the screw drivers out of
13 Damaso's hands.
- 14 5. After this, I was speaking with Damaso, and I heard Erica mention she was calling the Sheriff's
15 Department to assist the family in getting the confused father back into the hospital.
- 16 6. I saw the first deputy that showed up hit Marcos without any justification. I then saw other
17 deputies swarm Marco like bees on honey. After the deputies swarmed Marco, they started to
18 punch him without justification and dragged him to the ground.
- 19 7. Next, I saw several deputies get on top of Marcos. I did not see Marcos take any kind of
20 aggressive action towards the deputies. Specifically, I never saw him hit, strike, punch, kick or
21 otherwise attempt to cause injury to any of the deputies. Nevertheless, the deputies continued to
22 strike, knee and hurt Marco after he was on the ground. I saw no justification for their actions.
- 23 8. When all was done, and Marcos was on a Gurney, Marcos' face was red and completely covered
24 with blood. I did not see an inch of skin that did not have blood on his face. The deputies did not
25 appear injured. None of the deputies had any visible injuries that I could see.
- 26 9. After the beating, I spoke with the Deputies and told them that the son (Marco) was trying to get
27 his father back into the hospital, and that I tried to step in , and the other information provided in
28 this declaration.

1 10. I was shaken up by witnessing this severe beating. I even yelled out as the deputies were beating
2 Marco, "what is this, Rodney King?" The hospital security then moved us towards the bench
3 further from the incident.

4 I declare the foregoing is true and correct under the penalty of perjury under the laws of the State
5 of California and the United States. Executed on February 3, 2012 in Woodland Hills, California. This is
6 signed without coercion, threat or intimidation.

7
8 
9 Louis Bozzo, Declarant

"Exhibit 5"

Bradley C. Gage, Esq. S.B. No 117808
Milad Sadr, Esq. S.B. No 245080
LAW OFFICES OF GOLDBERG & GAGE
A Partnership of Professional Law Corporations
23002 Victory Boulevard
Woodland Hills, California 91367
Tel: (818) 340-9252 Fax: (818) 340-9088

Attorneys for Plaintiff
MARK MOFFETT

**CONFORMED COPY
OF ORIGINAL FILED**
Los Angeles Superior Court

SEP 13 2010

John A. Clarke, Executive Officer/Clerk
By SHAUNNA WESLEY, Deputy

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

MARK MOFFETT,

Plaintiff,

v.

COUNTY OF LOS ANGELES; TIMOTHY
COOPER IN HIS INDIVIDUAL CAPACITY
AND AS A SERGEANT WITH THE LOS
ANGELES COUNTY SHERIFF'S
DEPARTMENT ; and DOES 1-100, inclusive,

Defendants.

CASE NO:

BC445403

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

1. FEHA Harassment [Hostile Work Environment]
2. FEHA Discrimination
3. FEHA Retaliation
4. Failure to Take Corrective Action
5. Whistle Blower Retaliation.
6. Violation of the Ralph & Bane Acts
7. Violation of Peace Officers' Bill of Rights [Government Code Section 3309.5, et seq.]
8. Intentional Infliction of Emotional Distress.
9. Negligence
10. Assault and Battery.

GENERAL ALLEGATIONS

COMES NOW Mark Moffett (hereafter sometimes "Plaintiff") who demands a jury trial, and seeks monetary compensation against all of the Defendants, as follows:

1. Plaintiff Mark Moffett was at all times herein, a resident of the State of California, and an employee of the COUNTY OF LOS ANGELES, and DOES 1 - 40 (hereinafter collectively "DEFENDANTS").

1 2. Defendants TIMOTHY COOPER IN HIS INDIVIDUAL CAPACITY AND AS A SERGEANT
2 WITH THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT , and Does 41-70, and each
3 of them (hereinafter collectively referred to as "Defendants" or "COOPER") were employees,
4 supervisors, managers, agents, joint venturers, directors, principals, or otherwise employed by or
5 working with each of the other Defendants. The acts, omissions and conduct of COUNTY OF
6 LOS ANGELES and Does 41-70 were authorized, ratified and/or approved of by each of the other
7 Defendants herein.

8 3. The true names or capacities, whether individual, corporate, associate, or otherwise of Defendants
9 Does 1 through 100, inclusive, are unknown to Plaintiff Moffett, who therefore sues these
10 Defendants by such fictitious names pursuant to California Civil Procedure Code Section 474.
11 ~~Plaintiff Moffett will amend this complaint to allege their true names and capacities when~~
12 ~~ascertained.~~

13 4. Plaintiff Moffett is informed and believes and thereon alleges that each of these fictitiously named
14 Defendants engaged in intentional, reckless, or negligent conduct, and are responsible in some
15 manner for the occurrences herein alleged, and that Plaintiff Moffett's damages as herein alleged
16 were directly and legally (proximately) caused by Defendants' conduct.

17 5. Each of the Defendants (including all Doe Defendants), in carrying out the acts complained of
18 herein, were acting in the course and scope of his, her, their, or its employment and as the
19 employer, employee, principal, co-conspirator, and/or the agent of each of the other Defendants
20 and/or in concert with the other Defendants and/or in partnership with the other Defendants
21 (including all Doe Defendants), and/or as a joint venturer with the other Defendants.

22 6. Reference to actions or conduct of "Defendants and each of them" or to "Defendant" shall include
23 the singular and plural and shall include all Defendants in this action, whether named or
24 designated as a Doe. Reference to any singular Defendant shall include all Doe Defendants to
25 which the facts later are shown to apply.

26 7. Plaintiff Moffett has exhausted all of his administrative remedies. Plaintiff Moffett has filed Two
27 Governmental Claims (an original and an Amended Claim.) The claims were neither rejected or
28

1 accepted and thus are rejected by operation of law. True and correct copies of those complaints
2 are attached hereto as exhibits "1" and "2" and incorporated by this reference as though fully set
3 out herein.

4 8. On or about May 6, 2010, FEHA claims were filed with the Department of Fair Employment and
5 Housing (DFEH). True and correct copies of the DFEH complaints are attached hereto as Exhibit
6 "3", and incorporated herein by this reference.

7 9. Plaintiff Moffett received Notices of Right to Sue in a California Superior Court pursuant to
8 California Government Code Section 12965(b). True and correct copies of said letter is attached
9 hereto as Exhibit "4" and is incorporated herein by this reference. Moffett has therefore exhausted
10 his administrative remedies.

11 **FACTS APPLICABLE TO ALL CLAIMS:**

12 10. Moffett is Filipino, Native American ("American Indian") and Caucasian.

13 11. Moffett joined the Los Angeles County Sheriff's Department on October 20, 1989.

14 12. Throughout his career at various points, he was subjected to racial slurs. Racial slurs that plaintiff
15 heard and he was offended by included but are not limited to the following:

16 Nigger

17 Spic

18 Wet backs

19 Chinks

20 Gooks

21 Rice Eater

22 Jeepney Driver

23 Charlie

24 Coconut tree climber

25 Mutt

26 Mexican Whore

27 "They" (when related to an Asian)

1 Don't even know what the hell he is.

2 Hey, what are you?

3 Fag

4 Faggot

5 Various other racial slurs.

6 13. The racial slurs were unwanted, unwelcome and offensive to plaintiff.

7 14. The Sheriff's Department has a history of making racial slurs, and that exists in many different
8 stations. There has been other testimony notifying the defendants of the racial slurs, giving them
9 notice and knowledge of the slurs, and thus triggering a requirement for the defendants to take
10 corrective action and eliminate the slurs, but defendants have failed to take proper or necessary
11 corrective action to eliminate those slurs.

12 15. Between 1997 and 2003, Moffett worked at Lakewood Station under Captain Dave Fender.

13 Fender was subjected to an Internal Affairs complaint, which was found against him for falsifying
14 the shooting card used for qualification. Based on information and belief, he was demoted from
15 Captain to Lieutenant because of the violation.

16 16. Fender further was accused of sexual harassment of Maricuriz Perez, a female deputy. Some of
17 the harassment was personally witnessed by Moffett who was questioned by Internal Affairs about
18 his observations. As a result of that investigation, both Perez and Fender received Official
19 Reprimands - they were found guilty and received punishment.

20 17. By participating in the sexual harassment investigation, Moffett engaged in a "protected activity"
21 under the Fair Employment and Housing Act ("FEHA.")

22 18. In retaliation for providing the Internal Affairs testimony, Moffett's promotion to Detective Bureau
23 was denied. Fender promoted less qualified, less tenured employees ahead of Moffett. The
24 employees who were promoted were not of Asian or Native American decent. Based on
25 information and belief, everyone on the Paramount Special Assignment Team who applied for
26 detective, was promoted except for the plaintiff. The reason that plaintiff was not promoted was
27 based on discrimination (race and national origin) and retaliation for his protected activities.
28

1 19. Between approximately November 2003 and August 2005, Deputy Moffett was picked to be on
2 the Century CIT (Crime Impact Team.) At Century Station there were two well known groups
3 called the "Vikings" and the "Regulators." These groups were accused of racial overtones, and
4 they were described by Chief Baca in another case as "a clique of deputies who had a Viking tattoo
5 who identified themselves as Vikings."

6 20. Based on information and belief, Baca further testified in another discrimination lawsuit against
7 the Sheriff's Department as follows: "The problem with derogatory groups whether they're
8 Vikings, Regulators, Cavemen, whatever they are, these are formed without the authorization of
9 the department. Their members refer to themselves through their tattoos and through other forms
10 of language... They call themselves the Regulators, they call themselves the Cavemen, they call
11 themselves the Vikings, they call themselves the Little Devils, and one other was the Tazmanian
12 Devils, all derogatory, all against policy. And they still go on. And they still refer to themselves
13 in that fashion. Totally indefensible."

14 21. Despite knowing of the existence of these unauthorized groups defendants have failed to take
15 proper corrective action to eliminate the groups. It is easy for defendants to identify members of
16 the group by looking at the tattoo's on the bodies of deputies (usually an ankle or calf). However,
17 defendants and each of them have failed to investigate or take proper corrective action to eliminate
18 these groups who engage in discrimination, harassment and retaliation of those who are not in the
19 group. Any "minority" that was tangentially part of the Vikings is given a tattoo different than the
20 tattoos given to Caucasians, based on information and belief. Vikings have a history of racial
21 animus, witness intimidation, extortion and retaliation against those who have made allegations
22 against them. Additionally, a member of the Vikings was convicted of 2nd degree murder.
23 Members of the Vikings and Regulators are basically racist clans that have discriminated against,
24 harassed, extorted money from and retaliated against the plaintiff, causing him harm and injuries
25 in a sum in excess of the minimum jurisdiction of this court. Defendants are aware of prior acts of
26 racism and have paid money in other lawsuits based on information and belief, yet they have
27 allowed these racist groups to flourish. On information and belief, the Kolts Commission asked the
28

1 Sheriff's Department to open an Internal Affairs investigation, identify the Vikings and root them
2 out. The Department took no action.

3 22. In the past, members of the Regulators and Vikings surrounded plaintiff in an elevator inside of
4 Century Station and gave him a gang style beating while non-involved deputies watched. The
5 individuals that beat plaintiff in an elevator at Century Station included Sean Burke, a Sergeant at
6 the time, thus a supervisor, Timothy Cooper, a Deputy, Garrick Twedt, Dean Camarillo, Adan
7 Torres. All of these individuals are Caucasian or Hispanic.

8 23. Timothy Cooper also pointed his loaded service weapon to the head of plaintiff numerous times
9 while they were assigned to Century CIT. Cooper is Caucasian.

10 24. During a bicycle stop, in full uniform, Cooper abandoned plaintiff in the middle of South Los
11 Angeles. Plaintiff was a passenger in a car driven by Cooper. A narcotic suspect was pulled over.
12 Plaintiff exited the patrol car to detain the suspect. While the plaintiff was searching the suspect
13 for weapons, Cooper drove away without reason, leaving plaintiff in a dangerous, life-threatening
14 situation, which was contrary to established practice and procedure. Such actions were potentially
15 deadly and were discriminatory because plaintiff was treated differently than other deputies who
16 would have had back up. The conduct was also harassing since it interfered with the terms and
17 conditions of employment. This disparate treatment was based in part on the race of Plaintiff -
18 Asian and American Indian. That conduct also violated various civil rights rules such as the Bane
19 Act and Ralph Act.

20 25. Additionally, Cooper ordered "slip a dick in me" while ordering from an Asian lady at a Chinese
21 restaurant in order to mock her difficulty with the English language. Cooper also liked to play a
22 game he called, "It's splash the nigger time." This was in front of plaintiff which was harassing as
23 well.

24 26. Plaintiff was further subjected to disparate treatment from supervisors on the Appraisal of
25 Promotability because of his race and national origin. Also, Plaintiff was threatened to be
26 removed from the Century CIT because of a medical condition. Further, he was treated differently
27 on work assignments, collateral duties, overtime, and commendations.
28

- 1 27. Moffett was further subjected to harassment and discrimination with racial comments and
2 disparate training. For example, Moffett was sent to remedial drivers training in order to play on
3 the stereotype that Asians cannot drive. Moffett had no traffic collisions on his record to justify
4 any such training.
- 5 28. Plaintiff engaged in another protected activity when he complained about the hostile work
6 environment, and being sent to drivers training (because he was Asian - a stereotype). This
7 complaint was to Sgt. Burke and Lt. Colton.
- 8 29. As retaliation for making the above complaints, plaintiff was "midnight transferred" in August
9 2005 to Lakewood Station. The transfer was punitive and further delayed Moffett's promotion to
10 sergeant. Also, the transfer was in violation of the Police Officers Bill of Rights.
- 11 30. Plaintiff then complained about this discriminatory and retaliatory transfer to several executives.
12 The transfer delayed plaintiff's promotion to Sergeant. The transfer was based on a claim of poor
13 productivity which was false. After plaintiff complained, there was no action taken.
- 14 31. After plaintiff complained, he was told by an executive around December 2005 to "stay calm" and
15 "stop talking about it." He was told "WHEN you get promoted will depend on whether Dave
16 [Fender] tells his personnel commander [Tom Angel] that he wants you next up or whatever...."
- 17 32. After plaintiff complained, a Commander further told him, "If I were you, I'd schedule a meeting
18 with your resume. DOWNPLAY the roll up...."
- 19 33. Essentially, plaintiff was told not to file a complaint or he would be retaliated against, and his
20 promotion delayed. By delaying his promotion Moffett was subjected to an adverse action - lack
21 of money from a promotion. He suffered loss of earnings, loss of earnings opportunities and lost
22 pension deposits. This was part of a continuing act of discrimination, harassment and retaliation.
- 23 34. Between August 2005 and July 2006, plaintiff was again at Lakewood Station. His supervisor was
24 Captain Dave Fender. This is the same Captain who plaintiff provided Internal Affairs testimony
25 about in the past regarding a sexual harassment claim. Not surprisingly, Fender continued his
26 adverse treatment of plaintiff. Moffett was given an undesirable position and days off.
- 27 35. In March 2006, Moffett complained to Captain Kevin Goran and Captain Fender about
28

1 discrimination, retaliation, Peace Officer's Rights violations and numerous policy violations.

2 Again neither took any official action directly ignoring their mandated reporting obligations per
3 the Department's Policy of Equality.

4 36. In retaliation for his various complaints, Moffett was denied his old coveted position - Special
5 Assignment Officer. But normally, standard procedure is the employee goes back into his old
6 coveted position. But Fender did not give him do this. Fender further advised plaintiff he would
7 be the last to promote to Sergeant. This was a continuing act of discrimination, retaliation, and
8 harassment.

9 37. When plaintiff complained, the defendants failed to initiate a POE, which is a violation of the
10 department's policy. That policy was implemented to help prevent harassment, which defendants
11 failed to do. Thus, there is a continuing failure on the part of defendants to eliminate
12 discrimination, harassment and retaliation as required by law.

13 38. In July 2006, Deputy Moffett was finally promoted to Sergeant and was transferred to Compton
14 Station where he worked until July, 2009. Moffett has been an outstanding employee and his
15 productivity has been excellent throughout his career.

16 39. Compton Station has a history of discrimination, harassment and retaliation. Based on information
17 and belief: African American Supervisors were referred to as Niggers. Detective Iberri told an
18 African American Lieutenant that he knew the Lieutenant would not take action against a Black
19 Sergeant "because he's black and you're black." Iberri refused to eat food cooked by black
20 Deputies and used the N word. Several Sergeants at the station would use the N word, Gook, spic,
21 Charlie and multiple other racial slurs at the Compton Station which were over heard by many
22 employees. There were complaints about these slurs, but no corrective action was taken. Iberri
23 was promoted to Sergeant after receiving multiple complaints for his use of racial slurs.

24 40. Deputy Sam Orozco was accused of beating African Americans because of their race, planting
25 evidence on African-Americans, using the N word and other racial terms.

26 41. Sergeants Miller, Jaime and Skrnich admitted to using racial slurs at Compton Station and outside
27 of the Compton Station with other Sheriff's Department employees.
28

1 42. Deputy Timothy Cooper, despite pointing a gun at Moffett on a number of occasions, was
2 promoted to Sergeant at Century Station.

3 43. On or about May 29, 2009, Sergeant Cooper threatened Moffett with a marked black and white
4 Chevy Tahoe. He drove at Moffett in a threatening manner. Additionally, on this same day,
5 Cooper again pointed his gun at Sergeant Moffett and made death threats. This time the incident
6 was witnessed by another sergeant. A criminal investigation was instituted against Cooper with
7 the District Attorney's Office. Plaintiff advised Internal Affairs that Cooper carried extra guns as
8 "throw aways" to plant on suspects as well as his real fear of Cooper. Moffett asked Internal
9 Affairs for a protective order. Internal Affairs took no action and refused Moffett a protective
10 order stating, his information was irrelevant. Moffett had to travel to another County to seek a
11 protective order, which he was ultimately granted.

12 44. Moreover, Moffett's witness to the above incident was threatened and/or intimidated.
13 Additionally, Moffett began to receive threatening and intimidating phone calls from Cooper's
14 close friends.

15 45. In retaliation for his complaints, Moffett has been ignored, ostracized and treated as an outcast.
16 He was removed from the Advanced Surveillance and Protection Unit. He was removed from the
17 Sherman Block Supervisory Leadership Institute and removed from the Emergency Operations
18 Bureau, Incident Management Team #5, and transferred to a less desirable station farther from his
19 home. Moffett was then relieved of duty. Each of these events is an adverse action and part of a
20 continuing pattern of discrimination, harassment and retaliation that continues into a time frame
21 less than one year from the date plaintiff filed his DFEH complaint.

22 46. Plaintiff was not allowed to return to duty until approximately May, 2010. When he applied to
23 various jobs, he was denied them as part of a continuing pattern of discrimination, harassment and
24 retaliation. Plaintiff was then transferred to Lomita Station - another adverse action.

25 47. As a direct and legal (proximate) result of the actions of defendants and each of them, plaintiff
26 suffered general and special damages (economic and non-economic damages) in a sum according
27 to proof and in excess of the minimum jurisdiction of this Court.
28

1 48. Further, plaintiff has incurred or will incur attorneys fees, litigation costs, and potential increased
2 tax liability by having all money paid in a lump sum, rather than over time, he has suffered loss of
3 use of that money, lost interest and investment opportunities.

4 49. The conduct of Cooper, a Supervisor, was outrageous, despicable, and beyond the bounds tolerated
5 by a civilized society. He thus should be subjected to punitive damages as an individual in a sum
6 according to proof and sufficient to deter him from engaging in such conduct in the future. There
7 are NO punitive damages sought against defendant County because it has statutory immunity.

8 **FIRST CAUSE OF ACTION FOR HARASSMENT**

9 **[HOSTILE WORK ENVIRONMENT]**

10 **AGAINST ALL DEFENDANTS**

11 ~~50. Plaintiff Moffett repeats and realleges paragraphs 1 through 49, as though fully set out herein.~~

12 51. Plaintiff is a protected employee. Cal. Gov. Code Sections 12920, 12921.

13 52. Defendants and each of them are "employers" for harassment purposes. Cal. Gov. Code Section
14 12940(j)(4)(A).

15 53. Defendants created a hostile work environment for plaintiff for the reasons noted above.

16 54. As a direct and legal result of the conduct by Defendants towards Plaintiff, Plaintiff Moffett has
17 suffered with economic and non-economic damages in a sum according to proof at time of trial,
18 and in excess of the minimum jurisdiction of this Court.

19 55. The conduct of Defendants and each of them was willful, wanton, oppressive, fraudulent,
20 despicable, and beyond that which should be tolerated by a civilized society. The acts of
21 Defendants and each of them were carried out with a conscious disregard of the likelihood of
22 causing injury, suffering, or distress to Plaintiff Moffett, and therefore punitive damages in a sum
23 according to proof, consistent with the net worth of all Defendants (except defendant County) and
24 in a sum sufficient to deter similar such conduct in the future, is also sought against all individual
25 and non-municipal Defendants. No punitive damages are sought against Defendant COUNTY.

26 ///

27 ///

1 **SECOND CAUSE OF ACTION FOR DISCRIMINATION**

2 **AGAINST DEFENDANT COUNTY ONLY**

- 3 56. Plaintiff Moffett repeats and realleges paragraphs 1 through 55, as though fully set out herein.
- 4 57. Plaintiff was treated differently because of his race, his national origin and his perceived
- 5 disability. Defendants also failed to provide him with reasonable accommodation or to engage in
- 6 the interactive process.
- 7 58. The LASD does not have any Filipinos ranked any higher than a sergeant. The Department does
- 8 not properly represent Filipinos in any way whatsoever. The Department encourages the "good
- 9 old boy network," polarizing all races rather than embracing the diversity amongst its' sworn
- 10 members. Defendant COUNTY discriminated against Plaintiff Moffett by stripping him of his
- 11 responsibilities, and providing him inferior job assignments as well as denying him well-deserved
- 12 timely promotions.
- 13 59. As a direct and legal result of the conduct by Defendants towards Plaintiff, Plaintiff Moffett has
- 14 suffered with economic and non-economic damages in a sum according to proof at time of trial,
- 15 and in excess of the minimum jurisdiction of this Court.

16 **THIRD CAUSE OF ACTION FOR RETALIATION UNDER FEHA**

17 **AGAINST DEFENDANT COUNTY ONLY**

- 18 60. Plaintiff Moffett repeats and realleges paragraphs 1 - 59, as though fully set forth herein.
- 19 61. Retaliation based upon protected activity: Plaintiff Moffett was retaliated against and harassed in
- 20 the manners set forth above, after opposing discriminatory practices and/or harassment by
- 21 Defendants.
- 22 62. As a direct and legal result of the conduct by Defendants towards Plaintiff, Plaintiff Moffett has
- 23 suffered with economic and non-economic damages in a sum according to proof at time of trial,
- 24 and in excess of the minimum jurisdiction of this Court.

25 **FOURTH CAUSE OF ACTION FOR FAILURE TO TAKE CORRECTIVE ACTION**

26 **AGAINST DEFENDANT COUNTY OF LOS ANGELES ONLY**

- 27 63. Plaintiff Moffett repeats and realleges paragraphs 1 - 62, as though fully set forth herein.
- 28

1 64. Defendant COUNTY had an obligation to take corrective action to prevent further harassment of
2 Plaintiff Moffett, but failed to do so in violation of Cal. Gov. Code Sections 12940(k) and
3 12940(j)(1). Defendants failed to conduct proper investigations, implement proper policies to
4 prevent discrimination, harassment or retaliation, and failed to properly punish those who engaged
5 in misconduct to deter further such actions in the future.

6 65. After Plaintiff Moffett **complained** about harassment, discrimination, and retaliation, Defendant
7 COUNTY failed to take corrective action when Captain Goran, now a Commander and
8 Commander Rhambo, now a Chief and Captain Fender, now a Commander ignored Plaintiff
9 Moffett's complaints. Further, defendants were aware of FEHA violations independent of Moffett
10 but failed to take proper corrective action.

11 ~~66. As a direct and legal result of the conduct by Defendants towards Plaintiff, Plaintiff Moffett has~~
12 suffered with economic and non-economic damages in a sum according to proof at time of trial,
13 and in excess of the minimum jurisdiction of this Court.

14 **FIFTH CAUSE OF ACTION FOR WHISTLE BLOWER RETALIATION**

15 **AGAINST DEFENDANT COUNTY OF LOS ANGELES ONLY**

16 67. Plaintiff Moffett repeats and realleges paragraphs 1 - 66, as though fully set forth herein.

17 68. Pursuant to various statutes including but not limited to *Labor Code* § 1102.5, if an employee
18 complains of violations of law (including but not limited to discrimination, political coercion,
19 harassment, etc.) they are protected and cannot be retaliated against.

20 69. While employed as a police officer for defendants plaintiff complained that he was being treated
21 differently in the terms and conditions of his employment than Caucasian officers. Specifically,
22 he complained that he was beaten, had a gun pulled on him, and was denied promotions among
23 other wrongs. He complained about criminal acts and also discrimination. By making such a
24 complaint to law enforcement, plaintiff complained about violations of laws and statutes,
25 including without limitation the FEHA (*Gov. Code* § 12940, et seq.) And criminal statutes such as
26 *Penal Code* § 245 and various other statutes about criminal threats, assault, battery, and witness
27 intimidation.
28

70. These violations of statutes, rules and laws was reported to law enforcement as set out in *Labor Code* § 1102.5. After Sgt. Moffett filed a formal complaints about violations of laws, including without limitation, discrimination, harassment and retaliation, he was retaliated against.

71. Thus, Defendants violated *Labor Code* § 1102.5 by their actions. Specifically plaintiff complained about a violation of a statute, rule or law for the public, to law enforcement. After plaintiff complained of such violations, he was retaliated against. He suffered damages, harm and injury as a direct and legal result thereof in a sum in excess of the minimum jurisdiction of this court as further set out above.

72. Because defendants engaged in retaliation in violation of the Whistle blower statutes, defendants must demonstrate by clear and convincing evidence, a legitimate reason for this conduct, which defendants cannot do.

73. The actions of defendants caused plaintiff harm and damages as set out further hereinabove.

SIXTH CAUSE OF ACTION BY PLAINTIFF

AGAINST DEFENDANT COUNTY OF LOS ANGELES

FOR VIOLATIONS OF THE BANE ACT AND RALPH ACTS

74. Plaintiff repeats and re-allege paragraphs 1-73 as though fully set out herein.

75. As shown above, by beating the plaintiff and pulling a gun on him, Sgt. Moffett was threatened because of racial issues which is in violation of the Government Code, Police Officers Bill of Rights, and Civil Rights enumerated in the Bane Act, Ralph Act and Unruh Act.

76. Defendant COUNTY has a pattern and practice of disparate treatment because of either race or national origin.

77. As a direct and legal consequence of defendants violation of plaintiff's civil rights set out in the Ralph Act, Bane Act, and similar statutes, he was harmed and injured, incurred legal fees, litigation costs, may incur medical care and treatment costs, lost earnings, earnings opportunities, pension benefits, and other benefits of employment, suffered with general damages and special damages in a sum according to proof and in excess of the minimum jurisdiction of this court.

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1 **SEVENTH CAUSE OF ACTION FOR VIOLATION OF THE PEACE OFFICERS'**

2 **BILL OF RIGHTS [CAL. GOV. CODE SECTION 3309.5]**

3 **AGAINST DEFENDANT COUNTY OF LOS ANGELES ONLY**

4 78. Plaintiff Moffett repeats and realleges paragraphs 1 - 49 and 75-77, as though fully set forth herein.

5 79. At all times herein, Plaintiff Moffett was a peace officer, as set forth under Cal. Penal Code
6 Sections 830.1, *et seq.* Plaintiff Moffett filed complaints and grievances about treatment he
7 received. He was subjected to a "midnight transfer" in violation of his Rights under the Peace
8 Officer's Bill of Rights. He was subjected to an improper "interrogation" by a lieutenant and
9 sergeant, as well as a beating in the elevator by Deputies, and other aspects of the Police Officer's
10 Bill of Rights were not followed.

11 80. As a direct and legal result of the conduct by Defendants towards Plaintiff, Plaintiff Moffett has
12 suffered with economic and non-economic damages in a sum according to proof at time of trial,
13 and in excess of the minimum jurisdiction of this Court.

14 **EIGHTH CAUSE OF ACTION FOR**

15 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS.**

16 **AGAINST DEFENDANT COOPER AND ALL APPLICABLE DOES ONLY**

17 81. Plaintiff Moffett repeats and realleges paragraphs 1 - 49 as though fully set forth herein

18 82. By threatening plaintiff with a gun, engaging in beatings, and making vulgar statements to and in
19 front of plaintiff, the defendants engaged in conduct that was outrageous.

20 83. Defendants intended to cause plaintiff emotional distress or acted with reckless disregard of the
21 probability that plaintiff would suffer emotional distress, knowing that plaintiff was present when
22 the conduct occurred.

23 84. Plaintiff suffered severe emotional distress and defendant's conduct was a substantial factor in
24 causing plaintiff severe emotional distress.

25 85. Plaintiff suffered harm and injuries, including but not limited to general and special damages in a
26 sum to be determined at time of trial and in excess of the minimum jurisdiction of this court. He
27 further is entitled to punitive damages against all defendants other than the County which has
28

1 immunity because the actions of defendants were willful, outrageous, malicious, oppressive and/or
2 fraudulent and carried out with a conscious disregard for the safety and health of plaintiff.

3 **NINTH CAUSE OF ACTION FOR NEGLIGENCE**

4 **AGAINST ALL DEFENDANTS.**

5 86. Plaintiff Moffett repeats and realleges paragraphs 1 - 49 and 82 - 85 as though fully set forth herein

6 87. Defendant County was negligent in the care, supervision, and training of its employees.

7 Defendants further failed to perform mandatory duties. The defendant violated various statutes,
8 regulations and ordinances as well as criminal codes. Plaintiff was harmed and the County's
9 failure to perform its duty was a substantial factor in causing the plaintiff's harm.

10 88. Additionally, on information and belief, the County had actual knowledge of the misconduct of its
11 employees toward Plaintiff. Consequently, the County is vicariously liable.

12 89. The other defendants were negligent because they failed to use reasonable care to prevent harm to
13 plaintiff. Plaintiff was injured and harmed by defendant's negligence which was a substantial
14 factor in causing him harm and damages as set out herein.

15 **TENTH CAUSE OF ACTION FOR ASSAULT AND BATTERY**

16 **AGAINST ALL DEFENDANTS.**

17 90. Plaintiff Moffett repeats and realleges paragraphs 1 - 49 and 81 - 89 as though fully set forth herein

18 91. Defendant Cooper committed a battery on plaintiff. Defendant Cooper touched Plaintiff with the
19 intent to harm or offend him - beating in the elevator. Plaintiff did not consent to the touching
20 and he was harmed and offended by the actions. A reasonable person in plaintiff's situation would
21 have been offended by the touching.

22 92. Further, Defendant Cooper intended to cause harmful or offensive conduct by the beating in the
23 elevator and by brandishing a weapon and pointing it at plaintiff. Plaintiff reasonable believed that
24 he was about to be touched in a harmful or offensive manner.

25 93. Further, plaintiff was threatened by Defendant Cooper that he would touch him in a harmful or
26 offensive manner (including but not limited to shooting him, beating him and threatening to harm
27 him with a motor vehicle) It reasonably appeared to plaintiff that Defendant Cooper was about to
28

1 carry out his threat. Plaintiff did not consent to this conduct. Plaintiff was harmed, and the
2 conduct of the defendants was a substantial factor in causing plaintiff harm.

3 94. The COUNTY is vicariously liable for Cooper's battery. Cooper's misconduct occurred while
4 Cooper was on duty. Cooper's misconduct occurred while he was exercising his authority as a
5 police officer.

6 95. Moreover, the COUNTY ratified COPPER's battery. The COUNTY had knowledge or had
7 opportunity to learn of COOPER's misconduct. However, the COUNTY continued COOPER's
8 employment and failed to take corrective action.

9 96. Plaintiff suffered harm and injuries, including but not limited to general and special damages in a
10 sum to be determined at time of trial and in excess of the minimum jurisdiction of this court. He
11 further is entitled to punitive damages against all defendants other than the County which has
12 immunity because the actions of defendants were willful, outrageous, malicious, oppressive and/or
13 fraudulent and carried out with a conscious disregard for the safety and health of plaintiff.

14 WHEREFORE, Plaintiff Moffett prays for the following:

- 15 1. Loss of earnings and back pay including any increased tax liability thereon;
- 16 2. Loss of future earnings, promotions, opportunities to promote, front pay and all other employment
17 benefits, such as pension rights;
- 18 3. All other lost pension, insurance and other employment benefits;
- 19 4. Medical, hospital and psychological bills, including past, present and future bills;
- 20 5. General damages (pain, suffering, emotional distress and other non economic damages);
- 21 6. Litigation costs;
- 22 7. Attorneys' fees;
- 23 8. Punitive damages against the individual and non-municipal Defendants only;
- 24 9. Interest;

25 ///


26 ///

27 ///

1 10. Any other relief or damages allowed by law, or statutes not set out above and such further relief as
2 the Court deems just and proper at conclusion of trial.

3 Dated: September 8, 2010

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

5 By 
6 _____
Bradley C. Gage
Milad Sadr
7 Attorneys for Plaintiff

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9 O:\M\MOFFETT v COUNTY OF LA\PLEADINGS\complaint\8-31-10 draft 6.wpd
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"Exhibit 6"

latimes.com

Sheriff moves to fire six deputies accused in beating

By Robert Faturechi

Los Angeles Times Staff Writer

7:43 PM PDT, March 22, 2011

The Los Angeles County Sheriff's Department has begun termination proceedings against six deputies who were part of what officials describe as an aggressive group that used ganglike hand signals to identify themselves and allegedly assaulted two fellow deputies at a Christmas party last year.

The firing of six deputies marks one of the largest disciplinary actions in the department's history, officials said.

The deputies worked on the third floor of Men's Central Jail, where they allegedly were part of a clique that had certain ganglike characteristics, including three-finger hand signs, representing the third floor.

Officials are looking at whether members of the group displayed hand signs before they allegedly assaulted deputies assigned elsewhere at the jail. Authorities said the group bonded while working together at the jail and that they are aware of no ties to outside street gangs.

The group's hand sign is said to be formed with outstretched pinky, ring and middle fingers, though it could vary, said Michael Gennaco, who heads up the sheriff's watchdog agency.

In addition to the termination proceedings against the six men, the department is considering reforms in jail assignments, such as more regular rotations to keep deputies from forming similar cliques.

Public records obtained by The Times show that deputies assigned to that floor of the jail had a higher number of use-of-force incidents against inmates during a recent four-year period than those assigned to any other floor at the downtown Los Angeles facility.

Records show that between 2006 and 2010, the third floor recorded 437 use-of-force incidents, with the next closest floors reporting 426 and 226.

Gennaco said the frequency of force on the third floor did not necessarily mean that the force there was excessive because the floor houses a "certain pedigree of inmates," largely those with more violent histories.

Whether the existence of a clique was known by sheriff's supervisors before this incident is being investigated.

The investigation into the men arose from a six-on-two assault that broke out last December outside a Montebello banquet hall where a Christmas party for jail employees was being hosted.

advertisement



Throughout the night, deputies on the third floor were being hassled about moving inmates slowly at the jail. As the night wound down, one of the two deputies who was assaulted apparently called out to the group of six, again calling them slow.

The six deputies allegedly rushed that deputy and another standing nearby, and began punching and kicking them. A female deputy who tried to break up the assault was punched in the face. Gennaco said several of the men had been drinking.

Sheriff's spokesman Steve Whitmore declined to name the deputies, citing personnel constraints. A seventh deputy who was placed on leave after the incident was not fired because of insufficient evidence against him.

Whitmore said the investigation into the men was thorough and included 180 interviews. Prosecutors are reviewing possible criminal charges in connection with the incident. "The department chose not to wait for that," Gennaco said. "We have never seen this many deputies disciplined so severely in the 10 years we've been here over one incident. It's unprecedented."

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ACLU Lawsuit Charges Los Angeles County Sheriff with Condoning Pattern of Deputy-on-Inmate Violence

January 18, 2012

Complaint Alleges High-Level Staff Knew Gangs of Deputies Beat Inmates and Condoned Cover-Ups

FOR IMMEDIATE RELEASE

CONTACT: (212) 549-2582 or 2666; media@aclu.org

LOS ANGELES -- Los Angeles County Sheriff Lee Baca and his top commanders condoned a long-standing, widespread pattern of violence by deputies against inmates in the county jails, the American Civil Liberties Union and the ACLU of Southern California (ACLU/SC) charge in a federal class-action lawsuit filed today.

The lawsuit was filed on behalf of two named plaintiffs, Alex Rosas and Jonathan Goodwin, who were savagely beaten and threatened with violence by deputies of the Los Angeles County Sheriff's Department (L.A.S.D.) while they were pretrial detainees in the jail. As detailed in the complaint, the treatment of Rosas and Goodwin is not isolated -- there are dozens of reports of similar brutality in the jails. The lawsuit seeks both injunctive and declaratory relief on behalf of all present and future inmates of the jails.

"Sheriff Lee Baca, Undersheriff Paul Tanaka, and Chief Dennis Burns are responsible for ensuring that their subordinates do not engage in a pattern of unspeakable acts of violence against inmates," said Peter Eliasberg, legal director of the ACLU/SC. "But in the face of a longstanding pattern of deputy abuse they have deliberately and knowingly failed to put in place the basic pieces of an accountability system -- sound policies on the use of force, adequate training, careful investigation of force incidents and a rigorous system of discipline. This suit is directed at them because they have allowed deputies to go unpunished, covered up their behavior and for years made no effort to reform this broken system."

Los Angeles County has the largest jail system in the nation, with an average population of 15,000 inmates. The lawsuit, filed in U.S. District Court for the Central District of California, charges that Baca and his command staff had full knowledge of this pattern of violence and sought to conceal it from the public. The suit alleges violations of the inmates' rights under the Eighth Amendment to the U.S. Constitution to be free of cruel and unusual punishment and pretrial detainees' rights under the Fourteenth Amendment's prohibition of punishment prior to conviction.

"A sick culture of deputy-on-inmate hyper-violence has been flourishing for decades in the darkness of the L.A. County Jails, and this lawsuit will continue to help expose that culture to the light of day," said Margaret Winter, associate director of the ACLU National Prison Project. "Because Sheriff Baca has recently taken an important first step -- publicly admitting there's an enormous problem and expressing his commitment to reform -- we hope the sheriff and the ACLU will be able to reach a court-ordered injunction that will bring about profound and far-reaching changes."

In September 2011, the ACLU issued a report documenting more than 70 recent cases of extreme deputy violence, and shortly thereafter the public learned the FBI had launched an expansive criminal probe into deputy-on-inmate violence in the county jails. In December 2011, the County Board of Supervisors convened a commission to investigate and make recommendations.

In addition to ACLU lawyers, a team of Paul Hastings attorneys led by Donna Melby and John Durrant will provide *pro bono* legal assistance to the plaintiffs in this case.

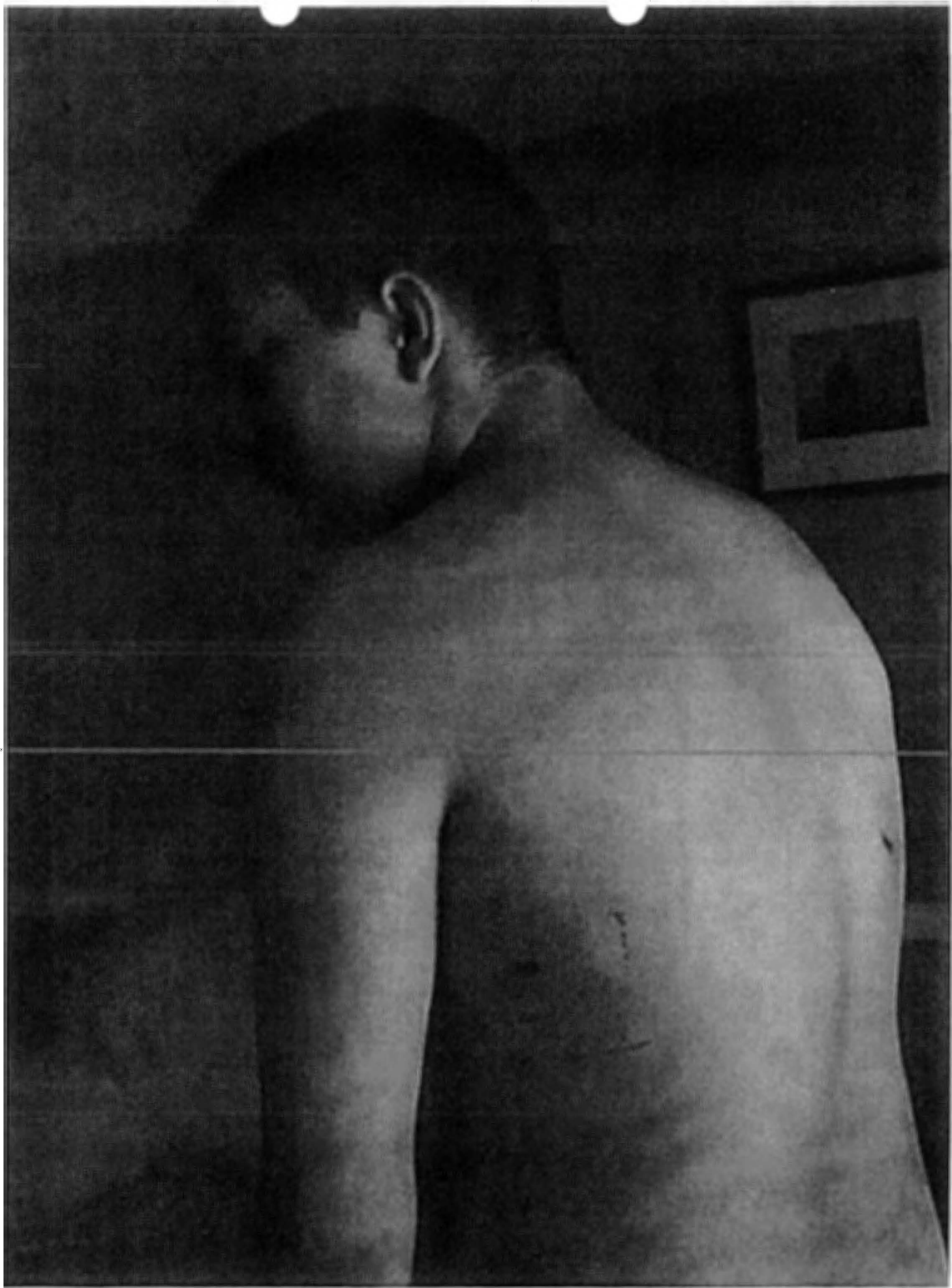
"We are honored to partner with the ACLU in bringing this worthy lawsuit," said Durrant. "What we are talking about here goes well beyond having a 'tough' jail. There is a well-documented, chronic problem of brutality in the jails that must be redressed."

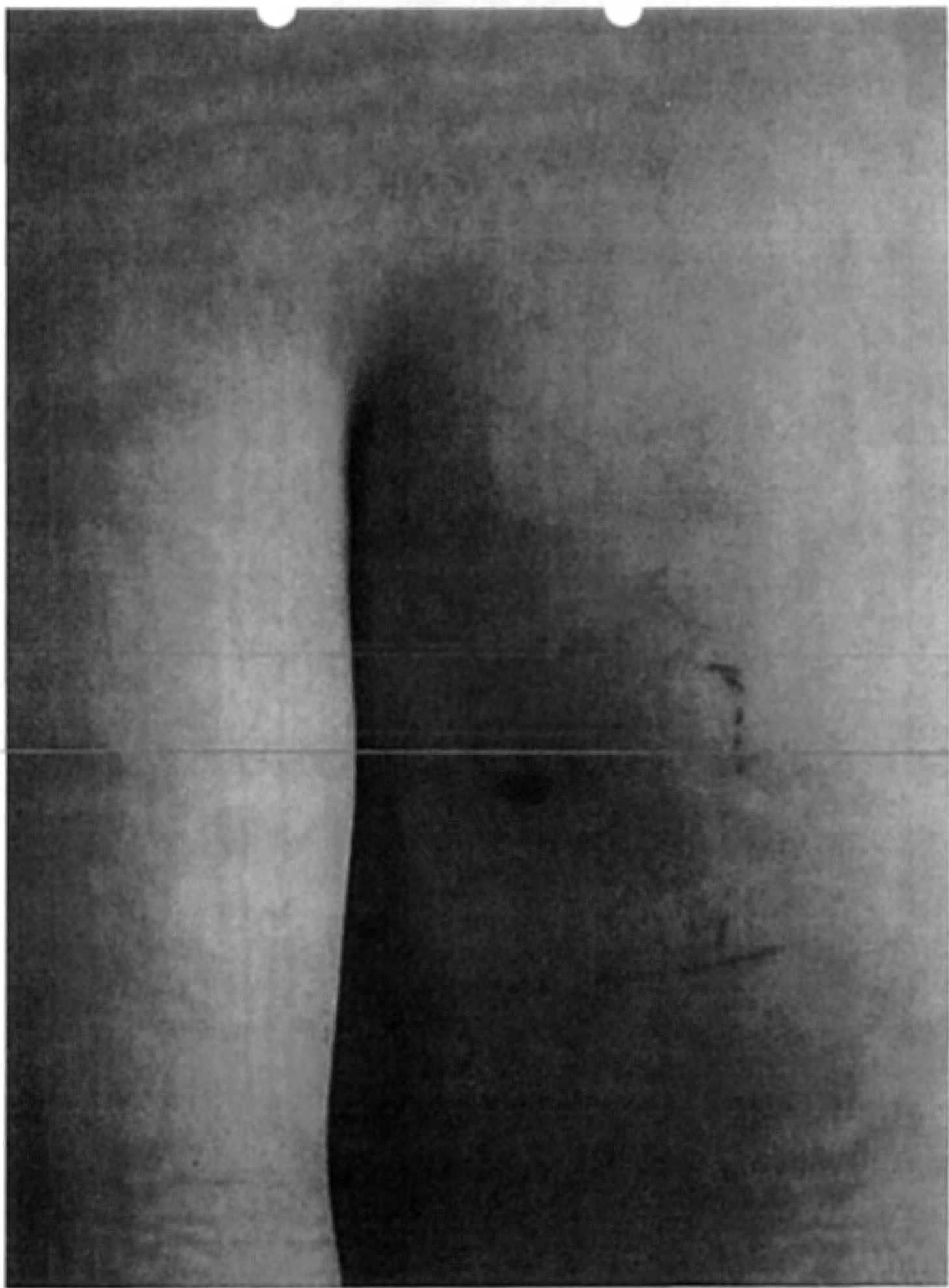
More information about the case, including today's complaint and a timeline detailing the ACLU's fight to improve conditions in the Los Angeles County jail, is available at: www.aclu.org/prisoners-rights/rosas-et-al-v-baca-et-al

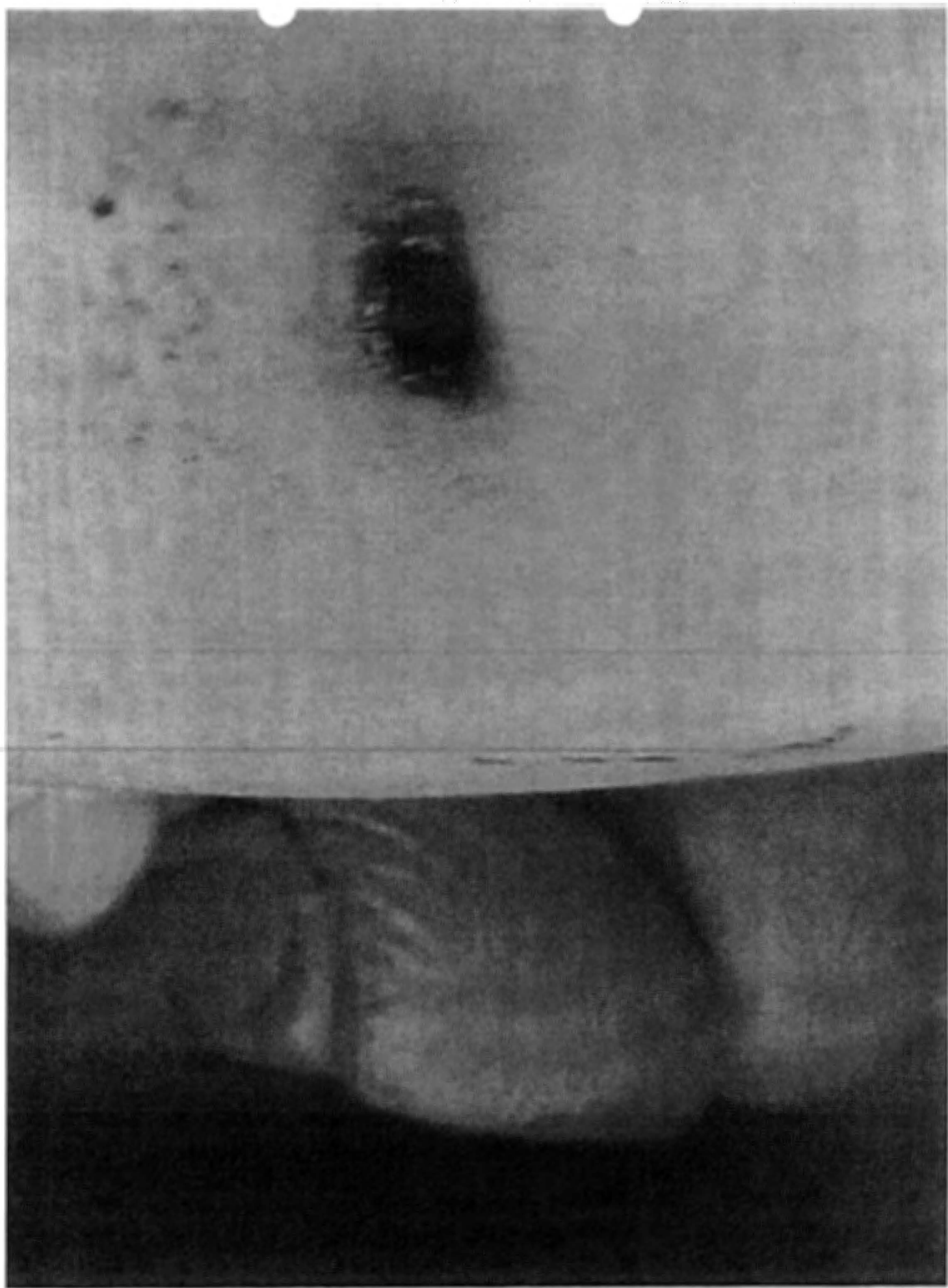
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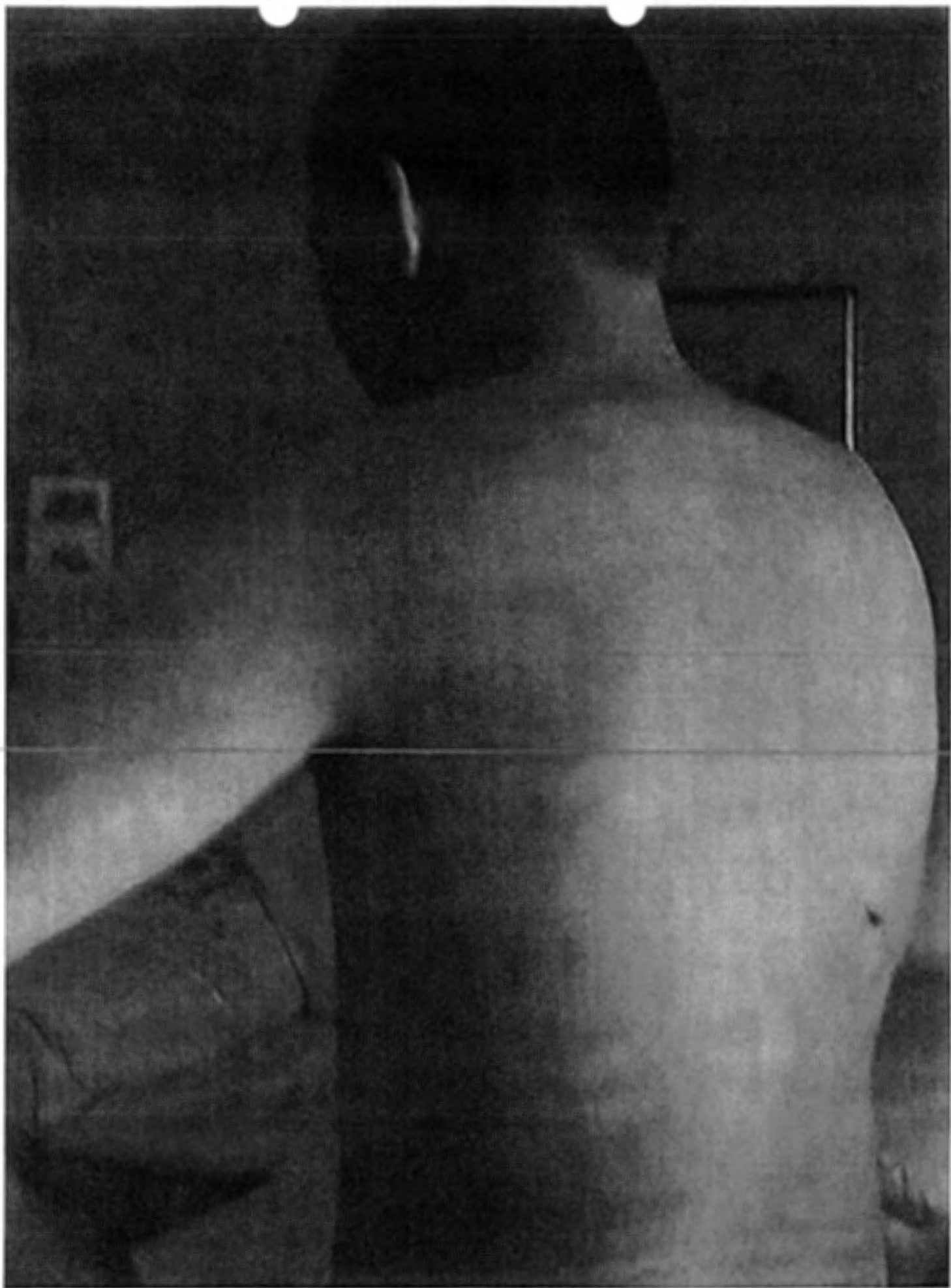
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"Exhibit 7"

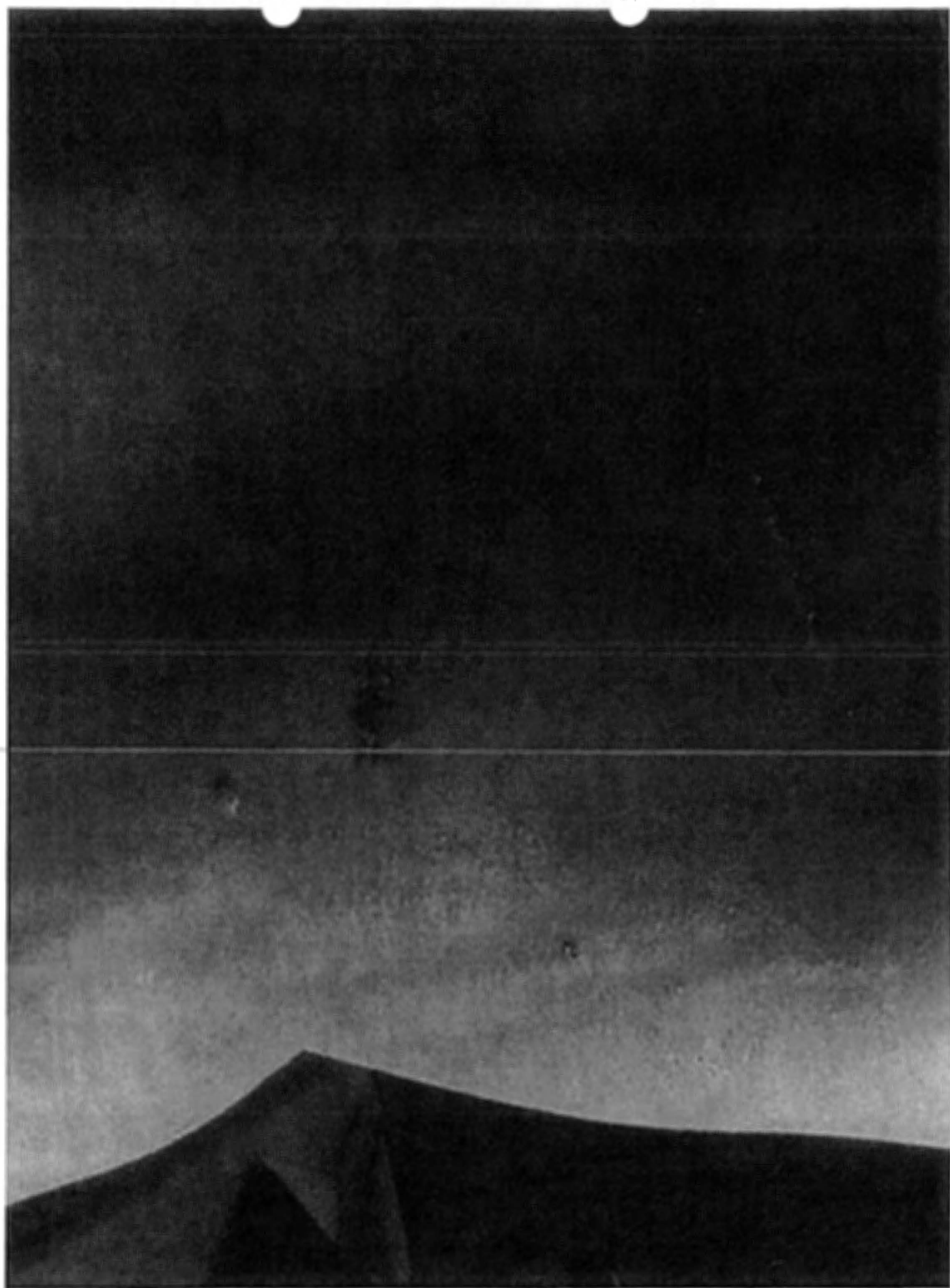












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"Exhibit 4"

Times

latimes.com

Secret clique in sheriff's unit probed

A document describes the Jump Out Boys as a group that regards officers' shootings as badges of honor.

BY ROBERT FATURECHI

Los Angeles County sheriff's detectives have launched a probe into what appears to be a secret deputy clique within the department's elite gang unit, an investigation triggered by the discovery of a document suggesting the group embraces shootings as a badge of honor.

The document described a code of conduct for the Jump Out Boys, a clique of hard-charging, aggressive deputies who gain more respect after being involved in a shooting, according to sources with knowledge of the investigation. The pamphlet is relatively short, sources said, and explains that deputies earn admission into the group through

the endorsement of members.

The sources stressed that the internal affairs investigation is still in its early stages and that little is known about the Jump Out Boys' behavior or its membership.

Still, sheriff's officials are concerned that the group represents another unsanctioned clique within the department's ranks, a problem the department has been grappling with for decades.

Last year, the department fired a group of deputies who all worked on the third, or "3000," floor of Men's Central Jail, after the group fought two fellow deputies at an employee Christmas party and allegedly punched a female deputy in the face. Sheriff's officials later said the men had formed an aggressive "3000" clique that used gang-like three-finger hand signs. A former top jail commander told The Times that jailers would "earn their ink" by breaking inmates' bones.

Other cliques — with
[See Sheriff, A15]

Secret sheriff's clique probed

[Sheriff, from A1]

names like Grim Reapers, Little Devils, Regulators and Vikings — have been accused of breeding a gang-like mentality in which deputies falsify police reports, perjure themselves and cover up misconduct.

The investigation into the Jump Out Boys is focused on the sheriff's Gang Enforcement Team. The unit is divided into two platoons of relatively autonomous deputies whose job it is to target neighborhoods where gang violence and intimidation are a concern.

The sources, who spoke on the condition of anonymity because the case was ongoing, described parts of the memo to The Times. The pamphlet extols hard work and other positive virtues, but there is concern that some of the language conflicts with department expectations.

Most notably, sources said, was a positive depiction of officer-involved shootings. A distinction is made, sources said, between cops who have and cops who have not been involved in shootings.

But the attitude is troubling because officer-involved shootings, even those that are within policy, are expected by the department to be treated as events of last resort. Sheriff's officials have warned against forming rogue subgroups because they threaten to stress allegiance to the clique and subvert loyalty to the department and its policies.

Sheriff Lee Baca's spokesman said the department is taking the issue seriously, and detectives are gathering evidence and conducting interviews.

"We're going to be looking at this right now, but it really could be a fantasy, something that's not true but right now we're going to find out exactly what is and what isn't and that will determine what our next step is,"

"The last thing anybody wants to do in law enforcement is shoot a weapon."

— STEVE WHITMORE,
Sheriff's Department
spokesman

spokesman Steve Whitmore said.

Whitmore declined to discuss details of the investigation or the contents of the document. Asked about the language that portrays shootings in a positive light, he said, "The last thing anybody wants to do in law enforcement is shoot a weapon."

Whitmore said Baca understands that deputies might bond and form social groups with close co-work-

ers but prohibits cliques when "it does not embrace the integrity to do what is right."

Historically, within the Sheriff's Department, the groups have been tied to patrol stations. In one instance, a federal judge called one of those groups, the Lynwood Vikings, a "neo-Nazi, white supremacist gang" that had engaged in racially motivated hostility. As part of a 1996 settlement, the county agreed to retrain deputies to prevent such conduct and pay \$7.5 million to compensate victims of alleged abuses.

Past affiliation with such groups reaches the highest levels of the department. Baca acknowledged last year that his second-in-command, Paul Tanaka, has a Vikings tattoo. Tanaka has said the Vikings was a nickname for deputies assigned to Lynwood station and did not represent anything sin-

ister.

In February, The Times reported allegations that a supervisor inside the sheriff's Compton station aimed a gun at the head of a fellow sergeant, who alleged the threat was part of a vendetta motivated by ties to a secret deputy clique.

Maria Haberland, a professor at John Jay College of Criminal Justice in New York who specializes in police ethics and training, said police subcultures can provide officers with much needed support in a dangerous job. But she said that closeness can become problematic.

"Solidarity is one of the main things of police subculture," she said, "so the closer the group, the higher the possibility that various cases of misconduct will be covered up."

robert.faturechi
@latimes.com