

526

1 John E. Sweeney, Esq. – State Bar No. 116285
2 **THE SWEENEY FIRM**
3 315 South Beverly Drive, Suite 305
4 Beverly Hills, California 90212
5 Phone: (310) 277-9595
6 Fax: (310) 277-0177
7 Email: jes@thesweeneyfirm.com

FILED
Superior Court Of California
County Of Los Angeles

DEC 21 2017

Sherri R. Carter, Executive Officer/Clerk
By [Signature], Deputy
R. Saldano

5 Steven C. Glickman, Esq. – State Bar No. 105436
6 Nicole E. Hoikka, Esq. – State Bar No. 306324
7 **GLICKMAN & GLICKMAN**
8 **A LAW CORPORATION**
9 9460 Wilshire Boulevard, Suite 330
10 Beverly Hills, California 90212
11 Phone: (310) 273-4040
12 Fax: (310) 273-0829
13 Email: scg@glickman-law.com
14 Email: neh@glickman-law.com

11 Attorney for Plaintiffs

13 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
14 SOUTH CENTRAL DISTRICT

16 ANDREW TAYLOR, individually and as
17 successor-in-interest to Donta Taylor; SHERRON
18 OLIVER; KAYLA LOVE; CARL TODD, JR., a
19 Minor; CARMEN TODD, a Minor; and
20 CAMREN TODD, a Minor, by and through their
21 *Guardian Ad Litem* SHERRON OLIVER,

Case No.: TC028803

THIRD AMENDED COMPLAINT FOR DAMAGES

- 1) Wrongful Death;
- 2) Violation of Civil Rights (Cal. Const. Art. 1 §§ 2, 7 and 13, Cal. Civ. Code §§ 52, 52.1, *inter alia*);

Plaintiffs,

vs.

Jury Demand

22 COUNTY OF LOS ANGELES; LOS ANGELES
23 COUNTY SHERIFF'S DEPARTMENT; and
24 DOES 1 through 50, Inclusive,

Defendants.

11/20/18

1 COME NOW Plaintiffs ANDREW TAYLOR; CARL TODD, JR., a Minor; CARMEN
2 TODD, a Minor; and CAMREN TODD, a Minor, by and through their *Guardian Ad Litem*
3 SHERRON OLIVER and allege as follows:

4 **INTRODUCTORY ALLEGATIONS**

5 1. At all times mentioned herein Plaintiff ANDREW TAYLOR was the father of
6 Decedent Donta Taylor (hereinafter referred to as "Decedent Taylor"). ANDREW TAYLOR is the
7 successor-in-interest to Donta Taylor, deceased, pursuant to California Code of Civil Procedure
8 § 377.32. ANDREW TAYLOR is the beneficiary of Decedent Taylor's estate and is entitled to
9 inherit Decedent Taylor's estate.

10 2. Plaintiffs CARL TODD, JR. (DOB 12-5-2001), CARMEN TODD (DOB 4-16-
11 2007), and CAMREN TODD (DOB 10-6-2011) were minors who, at the time of Decedent Taylor's
12 death, resided for the previous 180 days in Decedent Taylor's household and were dependent on
13 Decedent Taylor for at least one-half of their support. SHERRON OLIVER is the duly appointed
14 *Guardian Ad Litem* of minors CARL TODD, JR., CARMEN TODD and CAMREN TODD.

15 3. Plaintiffs are unaware of the true names and capacities of those Defendants sued
16 herein as DOES 1 through 50, and therefore sue these Defendants using their fictitious names.
17 Plaintiffs will amend this complaint to allege each DOE's true name and capacity when that
18 information becomes known. Plaintiffs are informed and believe that these unnamed Defendants
19 are each legally responsible and liable for the incident, injuries and damages by reason of negligent,
20 intentional or wanton misconduct, including the negligent, intentional or wanton misconduct in
21 creating and otherwise causing the incidents, conditions and circumstances set forth herein.

22 4. Defendant COUNTY OF LOS ANGELES (hereinafter referred to as "COUNTY")
23 is, and at all times mentioned herein was a municipal corporation, organized and existing under the
24 laws of the State of California.

25 5. Defendant LOS ANGELES COUNTY SHERIFF'S DEPARTMENT (hereinafter
26 referred to as "DEPARTMENT"), is, and at all times mentioned herein was a municipal
27 corporation, organized and existing under the laws of the State of California.
28

11/20/18

1 6. Plaintiffs are informed and believe that at all times mentioned herein, Defendant
2 DOES 1 through 50 were residents of Los Angeles County.

3 7. At all relevant times mentioned herein, Defendants and DOES 1 through 50 were
4 each employed as deputy sheriffs of the Defendant COUNTY and the DEPARTMENT. Defendants
5 and DOES 1 through 50, are being sued in both their individual and official capacities.

6 8. At all relevant times mentioned herein, each of the Defendants and DOES 1 through
7 50, were the agents, employees, and/or co-conspirators of each of the remaining Defendants, and in
8 doing the things herein alleged, was acting in the course and scope of that agency, employment
9 and/or conspiracy and with the consent of each of their co-defendants.

10 9. On or about October 3, 2016, timely Claims for Damages were filed with the
11 COUNTY on behalf of Plaintiffs as a result of the incident set forth herein. The claims were
12 rejected on or about November 3, 2016.

13 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

14 10. This Complaint concerns an incident that took place on or about August 25, 2016 in
15 Compton, California, near Wilmington Avenue and Arbutus Street.

16 11. On that date and place, Decedent Taylor, who lived nearby, was walking to a market
17 to purchase items. He had committed no crime and was not wanted by Defendant DEPARTMENT
18 for any reason.

19 12. Notwithstanding the foregoing, Deputies DOES 1 through 10, without probable
20 cause, aggressively stopped Decedent Taylor. Fearing for his life and liberty, Decedent Taylor ran.
21 After a short foot pursuit, said Deputies caught up to Decedent Taylor and assaulted and battered
22 him by pointing guns at him and shooting him to death.

23 13. After said shooting, Defendant Deputies DOES 1 through 10 falsely reported to their
24 superiors that Decedent Taylor pointed a hand gun at them and fearing for their life, they shot him.

25 14. After searching for the "alleged" hand gun of Decedent Taylor for two (2) days with
26 the most advanced techniques and technology, personnel of Defendant DEPARTMENT could not
27 find any hand gun.

28

1 28. Non-governmental entity Defendants Does 1-50 are also liable to Plaintiffs for
2 exemplary and punitive damages. The conduct of the Defendant Deputies Does 1-50 was wanton,
3 malicious, and oppressive and justifies the awarding of punitive damages against them individually.
4 At the time he was battered, Decedent Taylor was unarmed and had not displayed any unreasonable
5 acts of aggression or other conduct to justify the use of physical force against him. This wanton,
6 malicious and oppressive conduct justifies the awarding of punitive damages against the individual
7 Defendants Does 1-50, all in an amount to be determined according to proof at trial.

8 29. Each of the Defendants, for the respective acts and violations pleaded herein above,
9 are liable to each Plaintiff for attorneys' fees as provided in California Civil Code § 52(b)(3).

10 30. Each of the Defendants, for the respective acts and violations pleaded herein above,
11 are liable to Plaintiffs for damages, penalties, and attorneys' fees, as provided in California Civil
12 Code § 52.1(b). Non-governmental entity Defendants Does 1-50 are also liable to each Plaintiff for
13 exemplary and punitive damages.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

16 **First Cause of Action:**

- 17 1. General damages according to proof; and
18 2. Special damages according to proof.

19 **Second Cause of Action:**

- 20 1. General damages according to proof;
21 2. Special damages according to proof;
22 3. Punitive damages (against the appropriate defendants); and
23 4. Attorney's fees pursuant to California Codes §§ 52.1, 52(b)(3), California Code of Civil
24 Procedure § 1021.5, and any other applicable provisions, and costs according to proof.

25 ///
26 ///
27 ///
28 ///

11/20/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

All Causes of Action:

- 1. Costs of suit incurred; and
- 2. Such other relief as the Court deems just and proper.

Dated: December 21, 2017

Respectfully submitted,

THE SWEENEY FIRM

By: /s/ John E. Sweeney
 John E. Sweeney
 ANDREW TAYLOR; CARL TODD, JR., a
 Minor; CARMEN TODD, a Minor; and
 CAMREN TODD, a Minor, by and through
 their *Guardian Ad Litem* SHERRON OLIVER

JURY TRIAL DEMAND

Plaintiffs hereby demand trial by jury.

Dated: December 21, 2017

Respectfully submitted,

THE SWEENEY FIRM

By: /s/ John E. Sweeney
 John E. Sweeney
 ANDREW TAYLOR; CARL TODD, JR., a
 Minor; CARMEN TODD, a Minor; and
 CAMREN TODD, a Minor, by and through
 their *Guardian Ad Litem* SHERRON OLIVER

11/20/18

PROOF OF SERVICE
(C.C.P. §§ 1013a, 2015.5)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am a resident of the County aforesaid. I am over 18 years of age and not a party to the within-entitled action. My business address is 9460 Wilshire Boulevard, Suite 330, Beverly Hills, California 90212.

On **December 21, 2017**, I served the within document entitled **THIRD AMENDED COMPLAINT FOR DAMAGES** on the interested parties in said action as follows:

- BY FIRST CLASS MAIL:** by placing a true copy thereof enclosed in a sealed envelope postage thereon fully prepaid in the United States mail at Beverly Hills, California, on the interested parties in said action, addressed as indicated below.
- BY PERSONAL SERVICE/HAND DELIVERY:** delivered said document(s) by hand to each addressee.
- BY OVERNIGHT DELIVERY SERVICE:** I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document (s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) being served.
- BY FACSIMILE:** I caused said document(s) to be transmitted by facsimile machine to the number(s) indicated after the address(es) noted herein.
- BY E-MAIL:** I caused said document(s) to be transmitted by e-mail to the interested parties indicated herein.

SEE ATTACHED SERVICE LIST

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

Executed on **December ²¹~~20~~, 2017** at Beverly Hills, California.


Yadira Davis

11/20/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Harold G. Becks, Esq.
Douglas L. Day, Esq.
Harold G. Becks & Associates
3250 Wilshire Blvd. Suite 708
Los Angeles, CA 90010
Tel: 213-385-9852
Fax: 213-385-1374
hbecks@beckslaw.com
dougday@beckslaw.com

Attorneys for Defendants COUNTY OF
LOS ANGELES and LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT

John E. Sweeney, Esq.
The Sweeney Firm
315 S. Beverly Drive, Suite 305
Beverly Hills, CA 90212
Tel: 310-277-9595
Fax: 310-277-0177
jes@thesweeneyfirm.com

Attorneys for Plaintiffs
SERVED VIA EMAIL ONLY

11/20/18