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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE LOS ANGELES COUNTY - CENTRAL DISTRICT

ART HERNANDEZ, ALFRED GONZALEZ,
BENJAMIN ZAREDINI, DAVID CASAS,
LOUIS GRANADOS, MARIO CONTERAS,
OSCAR ESCOBEDO, AND ARIELA
LEMUS

Plaintiffs,

v.

COUNTY OF LOS ANGELES, a municipal
entity, RAFAEL "RENE" MUNOZ aka BIG
LISTO, GREGORY RODRIGUEZ aka G-
ROD, DAVID SILVERIO aka SILVER,
MICHAEL HERNANDEZ aka BAM BAM,
and DOES 1-100 inclusive.

Defendants.

) CASE NO:

) **PLAINTIFFS' COMPLAINT FOR:**

-) 1) **RACIAL DISCRIMINATION IN**
) **VIOLATION OF FEHA (CAL. GOV.**
) **CODE SECTION 12940 et. seq.);**
) 2) **FAILURE TO TAKE ALL**
) **REASONABLE STEPS TO PREVENT**
) **DISCRIMINATION IN VIOLATION**
) **OF FEHA (CAL. GOV. CODE;**
) **SECTION 12940 et. seq.)**
) 3) **HARASSMENT AND HOSTILE WORK**
) **ENVIRONMENT IN VIOLATION OF**
) **FEHA (CAL. GOV. CODE SECTION**
) **12940 et. seq.);**
) 4) **RETALIATION IN VIOLATION OF**
) **FEHA (CAL. GOV. CODE SECTION**
) **12940 et. seq.);**
) 5) **BATTERY;**
) 6) **ASSAULT;**
) 7) **NEGLIGENCE: NEGLIGENT HIRING,**
) **TRAINING, SUPERVISION, AND**
) **RETENTION**
) 8) **INTENTIONAL INFLICTION OF**
) **EMOTIONAL DISTRESS**
) 9) **NEGLIGENT INFLICTION OF**
) **EMOTIONAL DISTRESS**
) 10) **DEPRIVATION OF CIVIL RIGHTS**
) **UNDER STATE CODE §§ 51 (UNRUH**
) **ACT) AND 52.1**
) 11) **DECLARATORY AND INJUNCTIVE**
) **RELIEF**

1 **Jury Trial Demanded**

2
3 Comes now, Plaintiffs ART HERNANDEZ (“Deputy Art Hernandez,” or “Plaintiff
4 Hernandez”) ALFRED GONZALEZ (“Deputy Alfred Gonzalez” or “Plaintiff Gonzalez”),
5 BENJAMIN ZAREDINI (“Deputy Benjamin Zaredini” or “Plaintiff Zaredini”), DAVID CASAS
6 (“Deputy David Casas” or “Plaintiff Zaredini”), LOUIS GRANADOS (“Deputy Louis
7 Granados” or “Plaintiff Granados”), MARIO CONTRERAS (“Deputy Mario Contreras” or
8 “Plaintiff Contreras”) OSCAR ESCOBEDO (“Deputy Oscar Escobedo” or “Plaintiff
9 Escobedo”), ARIELA LEMUS (“Deputy Ariela Lemus” or “Plaintiff Lemus”) by and through
10 their undersigned attorneys, hereby praying to this honorable Court for relief and remedy based
11 on the following:

12 **THE PARTIES**

13 1. At all times relevant hereto, Plaintiffs are all employed as sheriff’s deputies by the
14 Los Angeles County Sheriff’s Department.

15 2. Plaintiffs Hernandez, Gonzalez, Escobedo, Contreras, Casas, Granados, and
16 Lemus are Latino/Hispanic.

17 3. At all times relevant hereto, Defendant Los Angeles County (hereinafter, “County
18 of Los Angeles” or “Defendant County”) is a municipal entity that operates and operated the Los
19 Angeles County Sheriff’s Department.

20 4. Plaintiffs are all victims of the organized criminal gang, the Banditos, whose
21 members are all fellow sheriff’s deputies, including 4 of the Defendants here; the Plaintiffs have
22 been subjected to discrimination, harassment, hostile work environment, and retaliation by the
23 Defendants as set forth below.

24 5. At all times relevant hereto, Defendants RAFAEL “RENE” MUNOZ aka BIG
25 LISTO (“Big Listo” or “Defendant Munoz”), GREGORY RODRIGUEZ aka G-ROD (“G-Rod”
26 or “Defendant Rodriguez”), DAVID SILVERIO aka SILVER (“Silver” or “Defendant
27 Silverio”), and MICHAEL HERNANDEZ aka BAM BAM (“Bam Bam” or “Defendant
28 Hernandez”), are all members of the gang, the Banditos, which is comprised of sheriff’s deputies
hired and employed by Los Angeles County Sheriff’s Department of Defendant County.

1 6. At all times relevant hereto, SHERIFF ALEX VILLANUEVA (“Sheriff
2 Villanueva” or “Villanueva”) is employed by the County of Los Angeles, in the Los Angeles
3 County Sheriff’s Department. Villanueva serves as the head of the Los Angeles County Sheriff’s
4 Department and is the top spokesperson for the Department and is responsible for all employees
5 in the Department. Sheriff Villanueva is the supervisor of all individual Defendants and is
6 responsible for any investigations of their gang membership and gang and other wrongful
7 conduct. Villanueva is responsible for taking disciplinary action and for protecting the deputies,
8 including the Plaintiffs, from the actions of the gangs within Villanueva’s department and
9 administration.

10 7. Plaintiffs are informed and believe and thereupon allege that Defendant DOES 1-
11 10, and each of them, whether individual, corporate, associate or otherwise, are unknown to
12 Plaintiffs at this time, who therefore sue said Defendants by such fictitious names. Plaintiffs will
13 amend this complaint to show their true names and capacities, together with appropriate charging
14 language, when such information has been ascertained. Plaintiffs will file DOE amendments,
15 and/or ask leave of court to amend this Complaint to assert the true names and capacities of these
16 Defendants when they have been ascertained. Plaintiffs are informed and believe, and upon, such
17 information and belief allege, that each Defendant designated as a DOE was and is in some
18 manner, negligently, wrongfully, or otherwise responsible and liable to Plaintiffs for the injuries
19 and damages hereinafter alleged and that Plaintiffs’ damages as herein alleged were proximately
20 caused by their conduct.

21 8. Plaintiffs are informed and believe, and thereupon allege, that at all times material
22 herein that the Defendants, including the Doe Defendants, each and all of them, were the agents,
23 servants and employees, or ostensible agents, servants or employees of Defendant County of Los
24 Angeles, who own, control, supervise, coordinate the Los Angeles County Sheriff’s Department,
25 and the County of Los Angeles is therefore directly and vicariously liable for conduct of the Los
26 Angeles County Sheriff’s Department, it’s top official, Sheriff Alex Villanueva, its Captains Ernie
27 Chavez (“Captain Chavez”) and Chris Perez (“Captain Perez”) and Jose J. Rios (“Captain Rios”),
28 Chief Bob Denham (“Chief Denham”), and Lt. Eric Smitson (“Lt. Smitson”), as well as all

1 Defendants; all of the Defendants were acting within the course and scope of said agency and
2 employment or ostensible agency and employment, except on those occasions when Defendants
3 were acting as Principals, in which case, said Defendants and each of them, were negligent in the
4 selection, hiring and use of the other Defendants.

5 9. Plaintiffs are further informed and believe, and thereupon allege, that at all times
6 relevant hereto, Defendants, and each of them, acted in concert and in furtherance of the interests
7 of each other Defendant.

8 VENUE AND JURISDICTION

9 10. At all times relevant hereto, Plaintiffs are all individuals residing in Los Angeles,
10 California, and are employed as sheriff's deputies by the Los Angeles County Sheriff's
11 Department.

12 11. At all relevant times hereto, the Defendants, and each of them, were residents of
13 the County of Los Angeles, State of California.

14 12. The wrongful conduct alleged against the Defendants, and each of them, occurred
15 in the County of Los Angeles, State of California and the injury to person occurred in its
16 jurisdictional area. At all relevant times hereto, the conduct at issue was part of a continuous and
17 ongoing pattern of behavior.

18 13. Plaintiffs have complied with and/or exhausted any applicable claims, statutes
19 and/or administrative and/or internal remedies and/or grievance procedures or is excused from
20 complying therewith. 7 of the Plaintiffs filed government claims with the County of Los Angeles
21 on March 7, 2019. The 8th Plaintiff, Deputy Ariela Lemus, filed a government claim with the
22 County of Los Angeles on June 28, 2019. On August 29, 2019, the Plaintiffs timely filed a
23 complaint and charge of discrimination with the California Department of Fair Employment and
24 Housing ("DFEH"). The DFEH issued a Right-to-Sue Notice on August 29, 2019. Accordingly,
25 Plaintiffs have timely exhausted their administrative remedies. True-and-correct copies of
26 Plaintiffs' Right-to-Sue Notices are attached to this complaint as Exhibit A.

1 **GENERAL ALLEGATIONS**

2 14. The Defendants subjected the Plaintiffs to discrimination, harassment, hostile
3 work environment, and retaliation. The Plaintiffs suffered adverse actions that include the
4 following:

- 5 a. Dozens of times they were not provided the required back up on dangerous calls and
6 their lives were subsequently regularly put at risk.
- 7 b. The Plaintiffs were threatened and bullied in attempts to get them to conform to the
8 corrupt culture or leave the station
- 9 c. The Plaintiffs were sent out on excessive calls.
- 10 d. The Plaintiffs were overloaded with calls just at the end of shift so they would have to
11 stay past their worktime
- 12 e. The Plaintiffs were shunned and ostracized at the East Los Angeles for doing their
13 jobs and not following the Banditos gang
- 14 f. Plaintiffs were denied earned promotions and given unearned demotions
- 15 g. Plaintiffs were assaulted and battered, with some of them hit and choked unconscious.
- 16 h. The Plaintiffs were denied their requested transfers away from the hostile
17 environment and were forced to endure contouring harassment and discrimination.
- 18 i. All 8 Plaintiffs faced a work environment so hostile they had to transfer out of the
19 East Los Angeles station

20 15. Commencing in 2016, the Defendants harassed the Plaintiffs based on their race
21 and ethnicity. In 2017, the Defendants began retaliating against the Plaintiffs by withholding
22 back up on dangerous calls. By 2018, the atmosphere at the East Los Angeles Station had
23 become so hostile, the two veteran Plaintiffs, Deputies Zaredini and Granados, blew the whistle
24 on the Banditos gang, and reported it to the Defendant County. However, instead of properly
25 investigating the matter and protecting its deputy employees, the County informed the Banditos
26 that the Plaintiffs had blown the whistle on them. Subsequently, the incredibly hostile
27 environment became unbearable as the Banditos stepped up its retaliation against the Plaintiffs,
28 and repeatedly withheld back up on dangerous calls. By September 2018, the tension was so

1 thick at the station, an explosion of violence was inevitable. On September 29, 2018, at Kennedy
2 Hall, the Defendants came to a department party and savagely attacked the young Latino
3 Plaintiffs. Unprovoked, the Defendants pushed, hit, kicked, and stomped on the Plaintiffs,
4 punching one of them unconscious and choking and strangling another one unconscious three
5 times. After the attacks, the County failed to take steps to protect the deputies and end the hostile
6 work environment.

7 16. There have been no consequences for the wrongdoers as the County did not stop
8 the hostile environment even after 7 of the 8 Plaintiffs filed their internal tort claims with the
9 County on March 7, 2019.

11 **The County has Allowed and Even Encouraged a Hostile Work Environment**

12 17. Defendant County has a policy and practice of creating and enabling a hostile
13 work environment at its Los Angeles County Sheriff's Department. Employees, including
14 supervisors, make and continue to engage in racist behavior towards the Latino Plaintiffs on a
15 daily basis. Beginning in 2016 and 2017, and on a continuing and ongoing basis up to and
16 including today, Plaintiffs have been harassed, discriminated against, and retaliated against for
17 being young, Latino deputies and for challenging and reporting what they reasonably believed
18 were unlawful activities by certain employees of the Los Angeles County Sheriff's Department.
19 Shortly after Plaintiffs began training for the Sheriff's Department, employees began targeting
20 them for harassment on the basis of their race, ethnicity, and national origin. The Plaintiffs were
21 also targeted for retaliation after they blew the whistle on the discrimination, harassment, and
22 hostile work environment. The Plaintiffs were set up to be harmed, with their lives placed in
23 danger by the Defendant County's employees, including Defendants Big Listo, G-Rod, Bam
24 Bam, and Silver. Plaintiffs are informed and believe, and thereupon allege, that Defendant
25 County maintained a pattern or practice of ignoring and/or failing to act promptly to: investigate
26 harassment complaints; conduct inadequate investigations; maintain inadequate anti-harassment
27 policies and practices; adequately train leads, supervisors and managers about their policies and
28 procedures, and about how to prevent harassment from occurring; implement an adequate

1 complaint mechanism for receiving and addressing complaints of harassment; and discipline
2 identified harassers. Defendant County also allowed employees against whom harassment
3 complaints have been made to continue working at the Los Angeles County Sheriff's
4 Department, and to collect paychecks after nearly taking the lives of some of the employee
5 Plaintiffs.

7 **Los Angeles County Sheriff's Department has a Decades Long History of Deputy Gangs**

8 18. The Sheriff's Department for Defendant County has a long and well documented
9 history of being permeated by a culture of corruption and racism. The Defendant has been
10 plagued for decades by criminal street gangs formed by some of its own deputies and sergeants.
11 The culture of officer gangs, and lack of accountability for bad cops, is so ingrained in the
12 department, that many Sheriff's Department employees, as well as Sheriff Villanueva, refuse to
13 recognize or accept how outrageous it is for there to be "gang cops" – they find it, and the
14 accompanying violent criminal behavior to be normal, acceptable, and the status quo. The cop
15 gangs include the Reapers, Jump Out Boys, the 3000 Boys (whose members earned their tattoos
16 – their 'ink" – by breaking the bones of inmates), the Spartans, the Regulators, Vikings, the
17 Pirates, and the Banditos. In 1991, a federal judge in a case against the County for the actions of
18 the Vikings, which were terrorizing the community, encouraging excessive force, and rewarding
19 deputies for shooting civilians, concluded that the Vikings were a "neo-Nazi, white supremacist
20 gang" that operated under leaders who "tacitly authorize deputies' unconstitutional behavior." In
21 1992, a watchdog panel, the Kolts Commission, pressed the Sheriff's Department to root out the
22 gangs. The Kolts Commission, created in response to uproar over excessive force by deputies,
23 conducted a sweeping inquiry into the Sheriff's Department and recommended in 1992 that
24 officials investigate and punish deputies who act like gang members. The Defendant County
25 refused to follow the Kolts Commission's advice.

26 19. Subsequent blue-ribbon panels have issued scathing critiques of internal deputy
27 gangs to limited effect. The Defendant County's corruption has reached the top levels of its
28 leadership at the Sheriff's Department. Former Los Angeles County Sheriff Lee Baca was

1 sentenced to three years in federal prison for his role in a scheme to obstruct an FBI investigation
2 of abuses in county jails, in a corruption scandal that has roiled the Sheriff’s Department for
3 years. Baca refused to accept responsibility for having overseen and condoned the obstruction
4 ploy carried out by subordinates. Baca’s undersheriff, Paul Tanaka, was an inked member of the
5 Vikings gang for years while serving as one of the department’s top commanders. Tanaka was
6 also sentenced to prison for conspiracy and obstructing an FBI investigation into deputy jail
7 abuse. But the high-profile convictions did not end corruption at the upper levels of management
8 at the Sheriff’s Department. Two decades after the Kolts Commission report, a blue-ribbon
9 commission, the Citizens’ Commission on Jail Violence, noted a culture of tolerance and even
10 “tacit approval” of “violent cliques[gangs].” The Commission sharply criticized the department
11 for turning a blind eye to the problem and allowing the gangs to use excessive force to the point
12 of breaking bones of inmates in the county jails and on the streets. The Commission emphasized
13 that the Defendant County “has known about and failed to address the longstanding problem of
14 deputy cliques.”

15 20. On April 30, 2019, the Defendant County’s own Board of Supervisors
16 acknowledged that the Sheriff’s Department has a “long and troubled history” of “exclusive and
17 secretive Department groups consisting of sworn deputies” who have engaged in “intimidating
18 gang-like behavior” and “harassment” and violence. The Board further noted that the
19 Defendant’s Sheriff’s Department “has not been terribly effective in investigating, or thwarting
20 the rise of sheriff gangs, and this ambivalence has likely enabled their continuation and
21 expansion” and that “actions of these groups have actively harmed residents of the County, other
22 Sheriff’s deputies.” Also in 2019, the Sheriff’s Department’s Civilian Oversight Commission
23 made observations on the cop gang problem: Commission member, Sean Kennedy, spoke out
24 about the “longstanding, widespread problems caused by internal cliques [cop gangs]” and called
25 for restrictions on the gang’s use of tattoos to establish their strength in numbers dominance of
26 certain stations in the department. Kennedy also stated that Deputies’ participation in cliques
27 [gangs] “has generated fifty years’ worth of bad press,” and at least three independent oversight
28 bodies “have voiced serious concerns about cliques [gangs] and management’s failure to address

1 them.” Thus, there has been, and continues to be, bad press, bad behavior, and bad oversight by
2 the Defendant County. The public is rightfully up in arms.

3 21. By all accounts there are many excellent and well-intentioned and honest deputies
4 working for the Los Angeles County Sheriff’s Department, who take service and protection of
5 the community to heart, like Plaintiffs Escobedo, Granados, Contreras, Gonzalez, Casas,
6 Hernandez, Zaredini, and Lemus. Deputies, including outstanding ones, have spoken out and
7 written on message boards decrying that it is a shame that the “actions of a few bad deputies give
8 all us a bad name.” While it is true that the existence of gangs in the department has tainted the
9 whole department, it is far from the truth that it is the wrongful actions of just a “few” deputies
10 that has caused the public to lose trust in the law enforcement agency. The Defendant County’s
11 Sheriff’s Department has long failed to sufficiently hold deputies who’ve lost their way
12 accountable for wrongful conduct, and department culture is warped and off track.

13 22. What’s worse is Sheriff Villanueva, when he was a candidate for the position,
14 won the support of ALADS, the peace officer’s union, while pledging to rehire *every single*
15 *deputy of the 196 fired for wrongful conduct over the last 4 years*. This was regardless of
16 offences committed by the disgraced deputies, be it excessive force, false imprisonment, filing
17 false police reports, dishonesty, planting evidence, domestic violence, etc. Under oath, according
18 to Sheriff Villanueva’s own second in command, Ray Leyva, Sheriff Villanueva carried that
19 pledge into office, while defaming the previous Sheriff, James McDonnell, with Villanueva
20 falsely claiming, with no evidence whatsoever, that Sheriff McDonnell framed every single one
21 of the 196 fired deputies during his tenure. Indeed, Sheriff Villanueva began his reign by
22 illegally rehiring Deputy Caren Carl Mandoyan, who had been properly fired for committing
23 domestic violence against another deputy. Leyva verified in his deposition that Villanueva had
24 done a frame up in reverse in the Mandoyan matter, lying and covering up evidence to try to
25 justify rehiring the member of the Reapers gang. By trying to rehire all of these wayward cops,
26 Sheriff Villanueva attempted to erase any accountability for wrongful conduct over the last 4
27 years. Accordingly, right now, the Defendant is having an extremely hard task in refilling a large
28 number of deputy vacancies at its East Los Angeles Station. It is common knowledge throughout

1 the department that zero good deputies want to be transferred to and work at the East Los
2 Angeles Station for the Defendant County.

4 **The Banditos Gang Dominates the East Los Angeles Station**

5 23. Deputy gangs have a particular stranglehold over the East Los Angeles station to
6 the point that many community members refer to the Los Angeles County Sheriff's Department
7 as "the largest gang in Los Angeles County." In East Los Angeles, the Little Devils cop gang
8 was succeeded by the Cavemen gang, which was in turn succeeded by the Banditos gang. As
9 with the first gang, the Little Devils, the Banditos are a racist and sexist outfit, excluding females
10 from membership; also, as with the Little Devils, the Banditos target Latino community
11 members as well as Latino deputies for maltreatment. However, there has been an evolution in
12 that while the Little Devils were white dominated, the Banditos gang is comprised of Latino
13 deputies who victimize other Latinos. During a recent fake Internal Affairs Investigation ordered
14 by Sheriff Villanueva, a corrupt investigator misstated the law in falsely arguing that, because
15 Latinos were targeting and attacking other Latinos, it was not illegal. The Banditos gang has
16 targeted five of the Plaintiffs, Deputies Art Hernandez, Alfred Gonzalez, Oscar Escobedo, David
17 Casas, and Mario Contreras based on their race, ethnicity, and age. The foundation and core
18 identity of the Banditos gang is built upon harassment of young, Latino deputies. Older deputies,
19 and Asian and Black and white deputies, are not targets of the Banditos, but the deputies other
20 than the young, Latino deputies are stuck in the middle, not the targets of the gang, but mostly
21 powerless, and they often go along with the gang's requirements and behavior and do not
22 confront it, out of fear of retaliation.

23 24. Due to the illegal policing practices by the Banditos gang, and its culture which
24 dominates the station, the numbers of stops and arrests of community members in East Los
25 Angeles are excessive. The East Los Angeles station also generates an inordinate number of
26 lawsuits, harassment claims, and acts of violence, including violence against fellow deputies.
27 The County has been sued before this present lawsuit for allegations regarding the Banditos, and
28 the lawsuits long ago called the County's attention to the problem of the cop gang problems. In

1 2013, the County settled for over \$500,000 with an individual who was the victim of a frame up
2 by Gregory “G-Rod” Rodriguez who is a Defendant here. In 2014, Deputy Guadalupe Lopez
3 sued the Defendant County alleging the existence of the Banditos gang and that members
4 “sexually harassed and threatened and demanded sex from her.” Even though some of Lopez’
5 allegations appeared to lack credibility, Lopez’ contentions about the Banditos gang rang true
6 and the Defendant County settled with the deputy for \$1,500,000. In 2015, Deputy Rosa
7 Gonzalez sued the Defendant County and settled, alleging retaliation after she complained of
8 gender discrimination perpetrated by the Banditos.

9 25. In 2017, Banditos Associate, Deputy Carrie Robles, with Banditos shot caller
10 Vincent Moran, sitting next her, ran a red light without putting on her siren and recklessly killed
11 two children, one 7, and the other 9. Robles crushed the children’s mother’s pelvis and broke
12 several of her bones as Robles killed her children in front of her eyes. The district attorney
13 indicated that the independent investigation conducted by LAPD showed that Robles acted
14 without regard for the lives of the children and their mother, but the district attorney decided it
15 was too close of a call to get a criminal conviction under the “beyond a reasonable doubt”
16 criminal proceeding standard; a civil proceeding standard, of preponderance of the evidence,
17 would be hard for Deputy Robles and the County to overcome. Under the previous Sheriff,
18 James McDonnell, an Internal Affairs Investigation of Robles was on hold until completion of
19 the criminal case; Robles’ criminal case concluded a week before Sheriff Villanueva took power;
20 it was Villanueva’s responsibility to then immediately launch an IA investigation, and terminate
21 the deputy; but, he did not, he instead buried the matter. In this case, the failure to hold a deputy
22 accountable may be personal: Robles reportedly calls Villanueva, “dad,” and his wife, “mom.”
23 The mother of the victims is understandably suing the Defendant County for wrongful death and
24 the County will pay dearly for the acts of this Bandito associate. Defendant Big Listo reportedly
25 recklessly ran over an elderly illegal immigrant, but the Defendant County avoided a lawsuit in
26 that matter because another Banditos associate, one Sgt. Angelica Estrada aka the Pink Hand (the
27 nickname is inspired by the Black Hand of the sadistic Mexican Mafia), went out to the location
28 of the incident and concocted a scheme to cover it up: she took care of the situation by advising

1 Big Listo to arrest the victim and have him deported so he could not talk. In 2019, Deputy
2 Concepcion Garcia sued the Defendant County for sexual harassment and battery committed by
3 Deputy David “Silver” Silverio, who is a Defendant here, and subsequent retaliation by the
4 Sheriff’s Department. Undoubtedly, the County Defendant will soon be sued by the victim of a
5 recent May 2019 hit and run by reportedly one of the more notorious Banditos prospects, Deputy
6 Juan Sanchez; Sanchez engaged in a car chase with a civilian into the city of Montebello.
7 Sanchez chased the driver until he crashed into a pole. Sanchez took off, leaving the victim
8 unattended. The Montebello Police Department officers came upon the victim who told them he
9 had been chased by a cop who took off.

10
11 **There is no Accountability at the East Los Angeles Station**

12 26. “No Accountability” appears to be the guiding principle at the East Los Angeles
13 station. Perhaps these kinds of antics should not be surprising at a police station that has proudly
14 and bizarrely displayed for nearly 50 years a logo titled “Fort Apache,” inspired by the movie
15 about a Lieutenant Colonel ordering a massacre of the innocent local Native Americans. This
16 logo was also born out of the Chicano Moratorium, Latino community protests in 1970 and the
17 Los Angeles County Sheriff’s deputies’ murder of journalist Ruben Salazar and the department’s
18 maltreatment of Latino protesters; the Los Angeles Sheriff’s Department’s white Deputies in
19 East Los Angeles saw themselves as being in an outpost in the middle of the desert among the
20 savages Mexicans; so they had to have a fort to defend themselves; at the Chicano protests,
21 helmeted sheriff’s deputies beat protesters with their batons; accordingly the station logo features
22 a riot helmet and boot, inspired by the beatdown of protesters; the logo also sports a Spanish
23 language expression that means, “always a kick in the pants” suggesting the cops are having a
24 blast clubbing, beating and stomping down the local community members; while the logo has
25 taken on a different meaning with some deputies over the years, especially as more Latino
26 deputies were hired at the station, there is no objective argument to be made that the logo has
27 ever been professional and appropriate for a credible Sheriff’s Department; Villanueva’s
28 predecessor, Sheriff McDonnell, banned the highly inappropriate logo. However, when Sheriff

1 Villanueva took power, to the delight and support of the Banditos gang, one of his first acts was
2 to revive the logo, sending the message to the community loud and clear that “old school”
3 policing (i.e. cracking heads instead of community policing) was back and in force. Under
4 pressure, the Sheriff is supposedly adjusting the logo and its use.

5 27. The Banditos are a criminal gang employed by Defendant County as deputies
6 working for the Sheriff’s department. The Banditos gang was born out of and wields its power at
7 the Department’s East Los Angeles Station which services communities of unincorporated East
8 Los Angeles, and the City of Commerce, City of Maywood, and City of Cudahy. The Banditos
9 gang controls the East Los Angeles station like inmates running a prison yard. For years, the
10 Banditos have specifically preyed upon and targeted young Latino deputies as they begin
11 training as rookie cops, intimidating the trainees into either becoming “prospects,” deputies for
12 joining the gang, or forced to quit and be “rolled” out of the station. There are currently about 90
13 deputies who have been initiated into the Banditos gang, with a Banditos tattoo: a skeleton with a
14 thick mustache wearing a sombrero, bandolier (a pocketed belt for holding bullets) and pistol.
15 Each deputy’s tattoo includes a unique number – Defendant G-Rod is #86. When off duty, the
16 gang members wear the attire (pendeltons, khakis) of civilian Latino street gangs. Also, like with
17 the Mexican Mafia, the Banditos leaders, the ones who call the shots, including Defendants Big
18 Listo, G-Rod, Silver, and Bam Bam, as well as Vincent Moran, Raymond Mendoza, and Silvano
19 “Cholo” Garcia, are referred to as “shot callers.” Many of the gang members use the lingo, such
20 as “ese,” “chale,” and homes,” etc., that is associated with Latino street gangs. Like with street
21 gangs, when a Banditos gang member indicates that a person is “in the car,” it means that person
22 is one of them. Similarly, the Banditos use the expression “word on the yard,” a prison term used
23 to explain what is being said amongst the prisoners, as if the Banditos are inmate gang members.
24 In addition to the inked Banditos gang members, there are also numerous gang Prospects,
25 desperate to do anything to impress the inked members. Female deputies are excluded from the
26 gang, but some of the female deputies have been indoctrinated into the gang as “Associates.”

27 28. Most of the Banditos are not in official management positions. Instead, the
28 Banditos maintain control through sheer intimidation and strength in numbers, as there is no rival

1 gang at the station, and the individual non-Bandito deputies are left to fend to themselves to try
2 to hold off the gang. The Banditos also maintain control by putting members, prospects, and
3 associates in positions of power and influence that even lower ranked deputies can obtain at the
4 station. The positions of Dispatcher, Training/Scheduling Deputy, and Training Officers are all
5 vital to help keep the Banditos in control. Historically, the Banditos gang members have
6 dominated the Training Officer positions.

7 8 **The Defendant County Allows Abuse of its Trainees**

9 29. The key to recruiting new prospects and to maintaining a power dynamic over
10 rookie deputies is to abuse the trainees from day one. As opposed to the practices of its sister law
11 enforcement agency in Southern California, the LAPD, the Defendant County Sheriff's
12 Department administration allows regular abuse of its trainees. The pecking order is made clear
13 to all at the station as the Banditos are given special privileges, such as the preferred parking
14 spaces at the station.

15 30. In addition, everything at the East Los Angeles station must be "roundtabled" by
16 the Banditos, e.g., fundraisers, all training parties, staff barbecues, etc. Anything to do with the
17 station has become a rite a passage and ritual for the Bandidos to extort money from the Deputies
18 stationed there. The Banditos hold their roundtable meetings at the house of Deputy Noel Lopez,
19 who is an inked member and proudly goes by the nickname of "Crook." Like street gangs, the
20 Banditos extract "taxes" from young, Latino deputies; taxes include money raised through
21 fundraisers which are falsely advertised as being for good causes. Other taxes take the form of
22 sexual favors from female deputies.

23 31. Deputies out of the East Los Angeles Station have generated an excessive amount
24 of stops and arrests in the community because of the pressure from the Banditos to inflate
25 numbers, to satisfy constructive illegal arrest quotas, and for deputies to ignore constitutional
26 protections which require there to be probable cause to stop and arrest civilians. The Banditos
27 have established and maintain a culture at the East Los Angeles Station where deputies often
28 "work backwards:" they decide to arrest civilians, and then go back and come up with the

1 probable cause for making the stop and arrest through planting and manufacture of evidence and
2 other illegal acts. The prospects seek to “earn their stripes,” by committing wrongful acts, and
3 the prospects are often more vicious than the inked members. The Banditos give guidance to the
4 young deputies such as: if they steal property from suspects and inmates and later dispose of it,
5 to make sure to “be smart enough to get rid of it outside the station.” Defendant G-Rod bragged
6 that “If they run from me, I make sure they come back with broken bones.” If deputies don’t
7 follow their orders, the Banditos will try to embarrass them on the department radio, overload
8 them with excessive calls and send them out for extra calls at the end of shift, and exaggerate
9 calls, pretending routine calls are emergencies, etc.

11 **The Defendants Repeatedly Withheld Back Up on Dangerous Calls in Retaliation**

12 32. The Banditos retaliate against any good deputies who maintain integrity by
13 refusing to cooperate with the status quo of corruption. One of the more dangerous ways the
14 Banditos retaliate is to intentionally fail to provide back-up during emergency situations and
15 other dangerous calls to purposely place deputies in dangerous circumstances. Over the last three
16 years, there have been dozens of incidents where the gang has not provided back up on
17 dangerous and life-threatening calls. The practice of the Banditos and their prospects to fail to
18 provide back up to the good deputies endangers the lives and safety of the good deputies who
19 respond to dangerous calls. There have been close calls where deputies could have been killed
20 because of the failure to provide back up. The Banditos gang, including G-Rod, Big Listo, and
21 Silver, withheld back up on the Plaintiffs’ dangerous calls on multiple occasions, dating back to
22 2017, and put their lives in danger. It is alleged upon information and belief that the intentional
23 withholding of back up on dangerous calls also has contributed to the unnecessary injuries and
24 deaths of community members who were shot by East Los Angeles deputies.

26 **On Many Occasions the Banditos Committed Violence Against Fellow Deputies**

27 33. The Banditos gang also commits assaults and batteries against its fellow deputies
28 to instill fear through intimidation to maintain the corrupt status quo and make certain the new

1 idealistic cops don't talk. Banditos gang members have knocked or choked unconscious other
2 deputies on several occasions over the last three years. The knockouts have taken place behind
3 the East Los Angeles Station in the parking lot, at "the Cap," bar across the street, and at off-site
4 department parties. The Banditos have caused their fellow deputies, the Plaintiffs, to fear for
5 their lives on a daily basis, not from violent offenders in the community but rather from their
6 own fellow sworn deputies.

7 34. Over the years, a lot of good deputies assigned to East Los Angeles have been
8 forced out by the Banditos or have transferred out to escape the Banditos and the corrupt culture.
9 Subsequently, the ratio of bad to good deputies at the station has increased over the years and the
10 quality of law enforcement in East Los Angeles has sharply deteriorated, bringing officer morale
11 to a pathetic low and community confidence in law enforcement to come crashing down. The
12 low morale at the station has in turn made the prospect of gang membership more enticing to
13 young recruits. Low morale is one of the classic symptoms that experts have found to be what
14 draws individuals to street gangs and criminal cop gangs like the Banditos. Other classic signs
15 include an opportunity to find an identity, to bolster one's self-esteem and to gain a sense of
16 belonging and self-preservation, The deterioration at the station helped lead to an evolution of
17 the Banditos where it increasingly took on the characteristics of a violent street gang.

18 35. The nature of the Banditos gang became more violent when in 2017 Defendant
19 Big Listo succeeded Eric Valdez, "the Godfather," as the self-proclaimed top shot caller of the
20 gang. Big Listo, who was trained by Sheriff Villanueva, had been fired previously for
21 committing domestic violence assault. But Big Listo was inexplicably later rehired as a deputy,
22 and was made a Training Officer, where he could severely abuse the trainees and create a new
23 breed of aggressive prospects. Defendant G-Rod was also previously fired for filing a false
24 police report. G-Rod can also be seen on a video on YouTube, falsely detaining a non-suspect in
25 the East Los Angeles Community. After the Defendant County paid a settlement for over
26 \$500,000 to G-Rod's false report victim in 2013, the Defendant County inexplicably rehired G-
27 Rod in 2017 even though video proved his report was false. Defendant Silver also became a
28 Training Officer, and he did his part to harass and bully the trainees and rookies, and demand

1 excessive arrests. The 2017 change in Banditos' leadership set the stage for the Banditos, with
2 approval by management at the station, to systematically harass, bully, and discriminate against
3 the young Latino deputies, and inevitably explode in a frenzy of violence against them in the fall
4 of 2018 at Kennedy Hall.

5 36. The Banditos, including Defendants Big Listo, G-Rod, Silver, Bam Bam, and
6 their prospects, have been harassing, bullying and discriminating against the Plaintiffs from
7 2016-17 until the present. As soon as the young, Latino Plaintiffs began training, they were
8 abused and bullied by the Banditos, who establish control and power dynamic over the new
9 Latino deputies from day one and continue that intimidating relationship past the training period.
10 When the Plaintiffs didn't conform to the corrupt culture and focused on serving the community
11 and being good sheriff's deputies, the Banditos scorned them. The Banditos are bullies in the
12 classic sense, seeking out individuals they think are vulnerable to intimidation.

13 37. The harassment at the station was so unrelenting, the Plaintiffs often dreaded
14 coming in to work as they did their best to stay focused on the work product and block out all the
15 hostility spewed by the Banditos. Defendant County's management at the East Los Angeles
16 Station did nothing to protect its young, Latino deputies as management ceded complete control
17 of the station to the Banditos gang. By Spring 2018, the Banditos gang had gotten such an iron
18 grip on the station, deputy morale sunk into the abyss, and the environment at the station had
19 become so hostile and so toxic, something had to give.

21 **The Plaintiffs Dreamed of Being Deputies at the East Los Angeles Station**

22 38. The young, Latino Plaintiffs, Hernandez, Casas, and Contreras, grew up in East
23 Los Angeles or in the surrounding area, and dreamed of working specifically at the East Los
24 Angeles Station (as did the two veteran Plaintiffs, Deputies Zaredini and Granados), and serving
25 the community they grew up in: Deputy Gonzalez grew up nearby South Los Angeles; Deputy
26 Lemus grew up in El Salvador and wanted to work East Los Angeles because it made her feel
27 close to home. All of the Plaintiffs are dedicated to serving and protecting the public, and the
28 young deputies began training at the East Los Angeles station, brimming with enthusiasm and

1 idealism. They were and are good, young cops. The Banditos sensed the Plaintiffs’ ethnicity and
2 youth made them particularly vulnerable prey; the Banditos and their prospects pressured the
3 young Latino Plaintiff Deputies, pushing them to arrest as many people as possible, adapt to the
4 corrupt culture, and conform to the Banditos’ leadership and control of the station.

5
6 **Plaintiff Alfred Gonzalez**

7 39. Plaintiff Deputy Alfred Gonzalez began training at the East Los Angeles Station
8 in May 2017. Deputy Gonzalez’ training officer was veteran Plaintiff Benjamin Zaredini and
9 initially Zaredini was able to shield him from most of the Banditos’ abuse. However, the
10 Banditos decided that Deputy Gonzalez’ easy going nature made him especially good prey for
11 bullying, and after he completed training, they harassed him unrelentingly, at times on a daily
12 basis. Deputy Gonzalez, like his fellow young deputies, was too scared about retaliation to
13 complain to his supervisor. But Deputy Gonzalez maintained his integrity, would not conform to
14 the corrupt culture at the station, and received commendations for preventing suicides, and was
15 subsequently blackballed by the gang. Deputy Gonzalez did his best to stay out of the path of the
16 Banditos and their prospects, but they would not leave him alone and took a perverse delight in
17 bullying him, mocking his physical appearance, and shunning him. Big Listo, G-Rod, and Silver,
18 and other gang members told Deputy Gonzalez dozens of times that he wasn’t “East La” [gang
19 member] “material” and pressured him to leave the station and go work elsewhere. Big Listo
20 would often dispatch priority calls to Deputy Gonzalez, and the other young Plaintiffs, knowing
21 their shifts were ending in 10 to 15 minutes, and knowing there were one or 2 other cars
22 available with other deputies who were just starting their shift.

23
24 **Plaintiff David Casas**

25 40. Plaintiff Deputy David Casas, also got harassed and abused in training from day
26 one, starting in 2017, and was “taxed” by the gang, forced to pay money to the Banditos twice.
27 But for a time he was treated differently than Deputy Gonzalez; the gang actively tried to recruit
28 Deputy Casas to the gang; Deputy Casas tried to diplomatically keep his distance as Big Listo

1 took him aside on two occasions in 2017 and 2018 and offered Deputy Casas the opportunity to
2 be his “eyes and ears” in the South part of the precinct, to help intimidate other young Latino
3 deputies; Big Listo explained to Deputy Casas that with the large contingent of Banditos and
4 prospects, and associates, that Big Listo had the “numbers on my side,” to control the station;
5 Big Listo explained that no one in management would mess with him if he joined the gang.
6 Deputy Casas stayed focused on doing good police work and increasingly steered clear of Big
7 Listo, G-Rod, and Silver, and the other Banditos, and made it clear he was not interested in
8 gangbanging and joining the gang. After he received numerous commendations for going beyond
9 the call of duty, for putting himself in dangerous situations to apprehend dangerous suspects, and
10 running into a burning building to rescue residents, Deputy Casas received numerous harassing
11 messages from Big Listo and the other Banditos, who pushed Casas to quit and leave the station,
12 up until he was attacked at a department party in the fall of 2018.

13
14 **Plaintiff Art Hernandez**

15 41. Plaintiff Art Hernandez has been harassed by the Defendants Big Listo, G-Rod,
16 and Silver, as well as by several of the Banditos’ prospects, since 2016 when he began training at
17 the station. Deputy Art Hernandez was regularly harassed by the Banditos’ top shot caller, Big
18 Listo, through messages to Deputy Hernandez via the mobile computer inside his patrol vehicle;
19 Big Listo mocked Deputy Hernandez for being a good cop and “not the East LA [corrupt] way;”
20 an escalation in the aggression and dangerous tactics of the Defendants occurred in June 2017
21 when Deputy Art Hernandez went out to the City of Maywood on his first murder call. Big Listo
22 sent out a message to all Banditos to not provide back up to the rookie cop; fortunately, Plaintiff
23 Deputy Benjamin Zaredini, a veteran deputy, stood up to Big Listo, stuck his neck out, and went
24 out to back up Deputy Hernandez on the dangerous call. The Banditos felt they needed to
25 reassert their dominance over the station and in the fall of 2017, Defendant Silver joined Big
26 Listo in forcing Plaintiff Hernandez and other new Latino deputies to attend a meeting with
27 them; at the meeting, the Defendants pressured Plaintiff Hernandez and the others, telling them
28 they weren’t doing enough to impress him and the other gang members, and that they better

1 conform to their “standards” (accepting him as their leader, meeting illegal arrest quotas, etc.), or
2 leave the station. After Big Listo and Silver called a second such meeting, Deputy Hernandez did
3 his best to ignore the Banditos. Deputy Hernandez focused on doing good work and received
4 commendations for making arrests, and the Banditos looked for an opportunity to attack him.

5
6 **Plaintiffs Oscar Escobedo and Mario Contreras**

7 42. During training, Plaintiffs Oscar Escobedo and Mario Contreras were assigned
8 good, honest, veteran training officers who shielded them from some of the typical abuse of
9 trainees by the Banditos. However, the Banditos, including Big Listo, Silver, and G-Rod, began
10 their harassment of Plaintiffs Escobedo and Contreras shortly after their training was completed
11 in 2017. Plaintiff Contreras was regularly harassed by Defendant Big Listo and other Banditos,
12 for almost two years, starting in 02/2017. Deputies Escobedo and Contreras made it clear to the
13 Banditos that they wanted no part of the gang lifestyle, would not bend to the Banditos’ will, and
14 that they were just at East Los Angeles Station to do their jobs and to do them well. Both
15 deputies received numerous commendations for excellent police work and the Banditos
16 subsequently shunned them; the Defendants were not able to conceal their seething rage towards
17 them, especially Deputy Escobedo; that rage would eventually come boiling to the surface at a
18 department party at Kennedy Hall in the fall of 2018, where the Defendants seized on an
19 opportunity to harm and choke out and strangle Deputy Escobedo.

20
21 **Plaintiffs Benjamin Zaredini and Ariana Lemus**

22 43. Plaintiff Ariela Lemus was targeted by the Banditos for her race and gender and
23 was retaliated against for blowing the whistle on the discrimination by the Banditos. Deputy
24 Lemus drew Plaintiff Benjamin Zaredini as her training officer when she began training at East
25 Los Angeles Station. Having Deputy Zaredini as her training officer had its pluses and minuses.
26 The plus was that Deputy Zaredini shielded her from abuse as a trainee. The drawback was that
27 protection from Deputy Zaredini stirred hostility from the Banditos and their prospects. Zaredini
28 was formerly a Banditos’ prospect, but he grew disenchanted with the Banditos and ashamed of

1 his affiliation with them, as the group increasingly took on the characteristics of a violent
2 criminal street gang; Deputy Zaredini put his flirtation with the gang behind him as he moved on
3 and received commendations for community service and helped coordinate the Vital Directional
4 Alternatives Interventional program which helps at-risk youth and changed a lot of lives, and the
5 gang felt betrayed by him.

6 *Plaintiff Benjamin Zaredini's Life was Repeatedly Put at Risk*

7 44. The gang retaliated and withheld back up on Deputy Zaredini's dangerous calls
8 on more than a dozen occasions, putting his life and his partner's lives at risk. On several
9 occasions, only the Plaintiffs provided back up to Zaredini, even though Zaredini was assigned to
10 the North area (East Los Angeles) of the territory policed by deputies at East Los Angeles
11 station, and the other Plaintiffs were assigned to patrol of the South (Maywood, Commerce,
12 Cudahy). On 3 of the occasions in 2017 and 2018, rookie cop, Plaintiff Lemus was the only
13 officer providing back up to Zaredini. When Deputy Lemus drew Deputy Zaredini as her training
14 officer, the Banditos told her she came from "a bad bloodline," and told her if she didn't bend
15 and conform to the Banditos, she would not be provided back up on her own calls after she
16 completed training. Deputy Lemus had no interest in conforming to the Banditos' corrupt culture
17 and no interest in paying a tax through sexual favors, and for that she paid a heavy price,
18 including constant harassment. After she blew the whistle on favoritism to Banditos shot caller,
19 Raymond Mendoza, Captain Chavez told her that he wouldn't discipline Mendoza, because he
20 liked how the Bandito intimidated and kept the deputies in line; and, Captain Chavez retaliated
21 against the deputy by referring her for a bogus internal affairs investigation based on what the
22 Captain knew to be fake allegations.

23
24 **Plaintiff Louis Granados**

25 45. The Banditos did not find Plaintiff Deputy Louis Granados easy to bully. When
26 he first arrived at East Los Angeles station in 2006, on the surface he did fit the bill of the typical
27 Banditos' prey, as a young Latino deputy. But the Banditos were a bit leery of messing with
28 Plaintiff Granados because, before becoming a Deputy, he was Sgt. Granados, of the United

1 States Marines, a war hero, who saved as many as a hundred fellow Marines’ lives in the battle
2 of Operation Iraqi Freedom 2 in the Iraq War. Iraqi soldiers launched a missile at Sgt. Granados
3 and blew his tower to smithereens. Sgt. Granados took to heart the Marine ethos that when you
4 are a marine it is one for all and all for one, and that a superior officer always takes the bullet for
5 the younger, lower rank team members. This is the direct opposite of the Banditos, which pits
6 half of the deputies against the other and destroys any sense of camaraderie. After regaining
7 consciousness from the bombing, and unable to hear, Sgt. Granados purposely ran into and
8 through enemy fire to locate the correct coordinates necessary for the Marine pilots to bomb and
9 destroy the Iraqi platoon and missile launchers before the Iraqis could slaughter the Americans at
10 their base. Sgt. Granados survived.

11 46. When Sgt. Granados arrived at East Los Angeles, he was surprised by the
12 perverse abuse perpetrated on the trainees, but he was prepared to handle whatever abuse that
13 would come his way. And the Banditos did abuse him severely. But once he completed training,
14 the Banditos kept their distance from him, afraid to make him “snap,” and kept their harassment
15 of Deputy Granados to “passive aggressive” acts such as sending him an excessive amount of
16 calls during his shift. Deputy Granados was happy to keep his distance from them and tried not
17 to let the Banditos distract or overload him through the extra work. But underneath Granados’
18 hardened exterior still beat the heart of the war hero, and the spirit of doing what’s right, and the
19 spirit of taking a bullet for the younger marines/deputies. While the Banditos knew they couldn’t
20 bully him, Deputy Granados was well aware, like everyone else at the station, that the Banditos
21 were harassing and discriminating against the other young, Latino deputies; by early 2018,
22 Deputy Granados finally lost his patience with the wrongs being committed at the Defendant
23 County’s police department. Deputy Granados was aware that the Banditos’ reputation for
24 vicious retaliation intimidated the younger deputies into silence; but Deputy Granados knew the
25 time had come for him to speak up regardless of what the Defendant County and their Banditos
26 employees might do to punish him for it.

1 **Plaintiffs Ben Zaredini and Louis Granados Blow the Whistle on the Defendants**

2 47. Veteran Plaintiffs Zaredini and Granados were both alarmed by the increasingly
3 hostile and violent nature of the gang and were concerned an explosion of violence would
4 eventually happen at the station. The veterans knew there was little accountability for bad cops at
5 the station and that there was no supervisory authority to provide a check on the Banditos. They
6 also knew that while some of the Banditos’ antics could be seen as “petty,” such as keying cars,
7 removing deputies’ names off their mailboxes, hissing over the radio during the good deputies’
8 calls in on the radio, “no acking” (ignoring) other deputies, etc., this was no “Mean Girls” kind
9 of high school bullying or some kind of unwanted college fraternity hazing on steroids; the
10 veteran Plaintiffs were cognizant the Banditos as deputies were all fully armed and trained and
11 licensed to kill. Subsequently, despite knowing it would be a risk to their lives, Deputies Zaredini
12 and Granados brought their concerns to management and administration to Defendant County.

13 48. If up to this point the Defendant County was claiming any ignorance of the depth
14 of the cop gang problem, they could no longer deny they had notice of the problem and the
15 dangers facing their employees. The act of blowing the whistle was the equivalent of whacking a
16 hornet’s nest of armed wasps, and if not handled right, a time bomb could be detonated. It was
17 on the Defendant County to handle the whistleblowing properly, and to move swiftly and
18 carefully to protect its good employees and the public; the Defendant County did not. And still
19 has not done so, at the moment of the filing of this complaint.

20 49. In March and April 2018, Plaintiffs Granados and Zaredini met with Lt. Richard
21 Mejia. Lt. Mejia initiated an investigation into the Banditos gang and interviewed about 20
22 deputies who acknowledged the Banditos problem.

23 50. Immediately after the two veteran deputies blew the whistle on the gang, the gang
24 members were immediately informed by the Pink Hand that the two deputies had told the truth to
25 Lt. Mejia. The Pink Hand went over Lt. Mejia’s head to Captain Perez and to Chief Denham and
26 made sure there was no discipline of the Banditos and no protection provided to the young
27 Latino deputies. As to why Captain Perez, Chief Denham, and Lt. Smitson were covering for the
28

1 Pink Hand and the Banditos is unknown, but the Pink Hand has reportedly indicated that she
2 intends to sue the Defendant County for sexual harassment.

3 **The Defendants Retaliated Against the Whistleblowers**

4 51. Armed with the knowledge of the whistleblowing, the gang and the County
5 moved swiftly to retaliate. As soon as the Pink Hand informed the gang that Deputy Granados
6 had blown the whistle, the gang retaliated against him, slamming and overloading him with other
7 deputy's calls, and Big Listo bombarded him with hostile messages. Deputy Granados had just
8 achieved the highest score on a test for promotion, but the Pink Hand informed him there would
9 now be no promotion for him, claiming there were no jobs available. Immediately after Deputy
10 Zaredini blew the whistle, he was removed from his position as a training officer and was
11 stripped of his bonus pay. (Zaredini would later be restored to his position). The Banditos
12 shunned Granados and Zaredini and made them persona non grata at the station. The Banditos
13 regularly did not provide back up to Deputy Zaredini and the other Plaintiffs throughout the
14 summer of 2018.

15 52. In the summer of 2018, Mejia wrote a memo to Defendant County's
16 administration and recommended that action be taken, including removal of gang leader Big
17 Listo and the Pink Hand from the station. The Banditos were a ticking time bomb at the station
18 and brutal attacks would be inevitable if the Defendant County did not intervene. However,
19 instead of addressing the concerns and protecting its deputies and the community, the County
20 covered up the actions of its employee street gang, as Lt. Eric Smitson reportedly fraudulently
21 altering and softening Lt. Mejia's memo under the orders of Chief Denham.

22 53. In June 2018, an anonymous letter was sent to the East Los Angeles Station and
23 the Sheriff's office, sounding the alarm about the Banditos; the letter spelled out many of the
24 facts and allegations detailed in this complaint. The letter was spot on about the Banditos' gang
25 activity and dominance of the East Los Angeles station. However, Lt. Smitson has reportedly
26 admitted that after the letter arrived at the Defendant's offices, Chief Denham ordered it buried
27 and made sure that no action was taken based on the letter. As a result of the Defendant County's
28 failure to act, the gang was further emboldened to strike back at the whistleblowers and the other

1 good deputies. The gang now withheld back up on so many of the Plaintiffs’ dangerous calls, one
2 of the deputies assigned as a partner to Deputy Zaredini, was reluctant to leave Zaredini’s side
3 even after he had completed more than two shifts straight and was sleep deprived – out of fear
4 that Zaredini would be left alone on a dangerous call and get killed. Not only did management
5 not ground Big Listo by moving him out of the department, management made it easier for the
6 gang to harass and terrorize the young Latinos as the County moved Big Listo to dispatch where
7 he could punish deputies by not sending back up and overloading them with calls at the end of
8 their shifts.

9 54. The failure to provide back up so often created “close calls” where deputies
10 almost got killed. One such “close call” incident where back up was not provided by the
11 Banditos was where a deputy was shot twice, including in the face. The perpetrator would have
12 murdered the fallen deputy if not for two special units coincidentally being the area trying to talk
13 down a mentally ill person. Such special units do not normally provide back up on such calls, but
14 luckily the special units showed up just in time to kill the perpetrator before he could murder
15 their fellow deputy. The retaliatory failure to provide back-up became so common, the Plaintiffs
16 went out all calls, never knowing if they would have back up.

17 55. Over the summer of 2018 and into the fall, the tension at the East Los Angeles
18 station grew so thick any administrator and manager would have noticed it. The contingent of
19 Banditos, prospects, and associates at the East Los Angeles station (with another 55 members
20 stationed elsewhere or retired from the department), were out for vengeance, and it was only a
21 matter of time before they struck. The Banditos harassment of the young Latino deputies and the
22 veterans Granados and Zaredini was continuing to intensify and reach a crescendo; calling the
23 workplace environment hostile would have been an understatement.

24 56. Even Deputy Granados, whom the Banditos feared for his war heroism, was now
25 aggressively harassed and endangered by the Banditos, who withheld back up on three of his
26 calls; on two of the three incidents, the Banditos withheld backup on dangerous calls to churches;
27 in one incident, Plaintiff Deputy Zaredini went out on a call to a church where there was a knife
28 wielding assailant, and only Deputies Granados and Lemus provided back up; at yet another

1 church, in another incident, Plaintiff Deputies Granados and Casas received no back up when
2 they went out on a call where a mentally ill individual was accosting churchgoers. Due to the
3 lack of deputy back up, the churchgoers had to assist Plaintiffs Granados and Casas in subduing
4 the suspect and handcuffing him. On another occasion, Plaintiff Granados was left to his own on
5 a dangerous call with a man wielding a knife; there were several deputies available, including
6 notorious Banditos prospect, Juan Sanchez, but none went out to assist, and the Banditos
7 subsequently put Deputy Granados' life at risk.

8 57. There was no supervisory authority standing in the way of the gang and there was
9 no rival gang or association of goods deputies to push back against the gang and the gang
10 expressed being held accountable to no one. The Banditos and their prospects and associates
11 openly displayed hate and anger and were openly staring down young Latino Deputies in the
12 hallways of the station towards the Plaintiffs and the danger was palpable. The atmosphere was
13 deteriorating rapidly in front of management's eyes. Yet, there was still no intervention by
14 management, just capitulation to the gang and cover up. And the powder keg was lit and ready to
15 explode. By the fall of 2018, there was no longer a question of whether there would be a frenzy
16 of violence, but only a matter of when it would happen.

17 58. On September 19, 2018, two deputies from East Los Angeles were shot while on
18 duty, coming close to being murdered because of the intentional failure of the Banditos to
19 provide back up. Normally when peace officers' partners are shot, they rally around their own
20 and there is unity at the station. However, the Banditos were not interested in the oaths they took
21 to perform their duties and oaths they took to protect and serve, were not interested camaraderie
22 and in being team players and in loyalty to their fellow deputies, and were not interested in their
23 fellow deputies' safety and the communities' safety; department supporters of the gangs in the
24 Sheriff's Department would have the public believe the cop gangs are about station pride; but
25 that is a lie; rather, the Banditos were intensely focused on asserting the gang's dominance
26 through force of the East Los Angeles station, and shredded any camaraderie in the department.
27 The Defendants had no interest in rallying around their fellow officers; they were interested only
28 in harming them.

1 59. At the East Los Angeles station, in the evening of September 27, 2018, Plaintiff
2 Gonzalez was dressing out in the locker room at the end of his shift, when he was confronted by
3 Defendant G-Rod who demanded that he meet him outside in the station barbecue area. Deputy
4 Gonzalez went outside to the area and it turned out to be an ambush with Defendant Big Listo
5 and fellow Banditos’ shot caller Deputy Vincent Moran coming out of the shadows to join G-
6 Rod; the three Bandito shot callers menacingly surrounded Deputy Gonzalez for 45 minutes.
7 Once again, the Banditos pressured Deputy Gonzalez to make arrests to meet constructive illegal
8 quotas, pressured him into not reporting overtime and to work extra hours without pay, and
9 pressured him to quit. This harassment was not new to Deputy Gonzalez, and he had grown
10 accustomed to the bizarrely abusive environment, so he did not realize at that moment that the
11 gang had decided to take things to another level, to once again physically batter a deputy – this
12 time, Deputy Gonzalez, at the department party at Kennedy Hall.

13
14 **The Defendants Sucker Punch and Choke Plaintiffs Unconscious**

15 60. On September 28, 2018, trainees held a department party at Kennedy Hall for
16 deputies in East Los Angeles to celebrate the completion of training. In addition to the newly
17 graduated trainees, several other young deputies were in attendance. This was a department
18 sanctioned party with on-duty deputies assigned to be designated drivers so that deputies could
19 drink. Alex Villanueva, soon to be elected Sheriff, was in attendance. Plaintiff Gonzalez attended
20 the party, which started on September 28 and continued into the morning on September 29, 2018.
21 Several Banditos gang members, including shot caller Defendants Big Listo, G-Rod, Silver, and
22 Bam Bam, who was assigned to Men’s Central Jail, and shot callers Vincent Moran and Silvano
23 “Cholo” Garcia, as well as prospects, came to the party with the plan to assault and beat up and
24 knock out Deputy Gonzalez. The Banditos normally did not come to such parties; but they came
25 tonight, decked out in the gang attire – pendeltons, jeans, boots, and huddled together. The
26 Banditos wanted to send a message to the Plaintiffs and the rest of the station, hoping that by
27 battering Deputy Gonzalez they could drive him out of the station and intimidate the other young
28 Latino deputies and bring them under their control.

1 61. Several of the Banditos approached Deputy Gonzalez and surrounded him. The
2 Banditos insulted him, told him he wasn't liked and didn't belong at the station, and got in his
3 face to provoke him into a fight. Deputy Gonzalez didn't take the bait, and the Banditos kept
4 returning to him, trying desperately to provoke him to justify brutalizing him. But Deputy
5 Gonzalez somehow kept his cool.

6 62. As the party wound down into the early morning on September 29, 2018, and
7 attendees were going out to the parking lot, the Banditos again approached Plaintiff Gonzalez.
8 Deputy Gonzalez began walking a friend to her vehicle when he heard Defendant Silver call out
9 his name, and say he needed to talk to him. Deputy Gonzalez went over to him and Silver began
10 telling Deputy Gonzalez that he has been hearing bad things about him and that he was not
11 happy. Silver told Gonzalez that he thought that Deputy Gonzalez was a zero at the station and
12 told him that he didn't respect him. Silver continued to raise his voice and make derogatory
13 comments and a small crowd formed around them. Silver desperately tried to start a physical
14 fight with Deputy Gonzalez. Then Defendant Bam Bam approached Deputy Gonzalez and told
15 him that he had been hearing he was not liked at the station. Bam Bam told Deputy Gonzalez
16 that he had no problem slapping or punching him in front of everyone and embarrassing him
17 because he knew "no one here," referring to management and administration, would say or do
18 anything. This showed the extent of the gang's control over the East Los Angeles station. By
19 failing to intervene and protect its non-gang member employees from its gang employees,
20 County leadership has led the gang to believe that the gang members have total control over the
21 station and that its members are above the law.

22 63. Deputy Gonzalez continued to try to defuse the situation and replied, "Come on,
23 Sarge. Really?" But that made no difference in deterring the Banditos from their plan. Bam Bam
24 replied, "oh, I'm a sarge, huh? So, you are one of those guys." Then Bam Bam threatened to kill
25 Deputy Gonzalez and his family, stating, "I have no problem fucking with you and your family
26 and if I can't do it directly I can find someone who can," and "this is East LA, I grew up here!
27 This is my fuckin station!" Deputy Gonzalez stayed silent and continued to avoid being
28 confrontational. A couple of other deputies approached to try to calm down the gang members

1 and to try to diffuse their threatening and intense posture, and that succeeded in working for a
2 short while to get the Banditos to back off.

3 64. Bam Bam came over two more times to try to provoke Gonzalez. Then, later, at
4 approximately 3:30 am, Defendant G-Rod approached Deputy Gonzalez once again in the
5 parking lot and angrily stated he wanted to speak with him. Deputy Jose Fuentes then stepped in
6 and tried to calm the Bandito down; but G-Rod got tight into Deputy Fuentes' face, bumping
7 Deputy Fuentes in the forehead and pushing Deputy Fuentes back. Plaintiffs Escobedo and Art
8 Hernandez walked over in an attempt to be peacemakers. Deputy Escobedo grabbed Deputy
9 Fuentes and walked him away. Big Listo turned to Deputy Gonzalez and Big Listo slammed his
10 body into the Plaintiff. Plaintiff Art Hernandez grabbed G-Rod and asked him calmly to let it go;
11 but, G-Rod refused to calm down. Defendant Big Listo then ran over at full speed toward Deputy
12 Hernandez. Big Listo swung at Deputy Hernandez and ran into him, knocking him to the ground.

13 65. While Plaintiff Hernandez laid flat on his back on the ground, Big Listo began
14 slamming him in the face with hammer fists and hit him multiple times. Remarkably, all of the
15 Plaintiffs managed to keep their cool, and try their best to diffuse the situation and prevent it
16 from escalating. Deputy Art Hernandez displayed amazing restraint and somehow maintained his
17 composure as he tried to block the blows to his face. Deputy Hernandez stayed respectful,
18 following seniority and chain of command: he curled up in ball to protect himself and did not
19 punch back, in shock, asking, "hey sir, why are you hitting me?" Before Big Listo could punch
20 Plaintiff Hernandez again, Deputy Escobedo grabbed Big Listo's arms to stop him. But Big Listo
21 snarled to Deputy Escobedo, "I've been waiting for you," and starting punching Deputy
22 Escobedo in the face, chest, and shoulders. Then, Defendant Silver snuck up behind Deputy
23 Escobedo and started strangling him, as the Banditos were rapidly descending into a frenzy.

24 66. Defendant Bam Bam pushed and shoved Deputy Jose Fuentes from the parking
25 lot to the west sidewalk of Atlantic Boulevard. Braulio Robledo, a Bandito Prospect, began
26 egging the Banditos on and yelled "Say something now, say something now!" Plaintiffs Casas,
27 Contreras, and Gonzalez all tried to intervene as peacemakers, and asked for calm and an end to
28 the Banditos' rampage, but the only response they got from the Banditos gang was being

1 verbally assaulted, taunted, pushed, and hit. As the Banditos looked frantically for their next
2 victims, one of the partygoers, Deputy Daniel Gonzalez (not to be confused with Plaintiff Alfred
3 Gonzalez), ran over to Deputy Escobedo and helped him escape the choking by pulling Silver’s
4 arms off of Deputy Escobedo’s neck. But in the process Deputy Escobedo fell to the ground and
5 while Silver held him down, approximately three Defendants Banditos and DOE Defendants
6 punched and kicked Deputy Escobedo. Deputy Escobedo looked up and saw Defendant Silver
7 holding him down. Deputy Escobedo yelled at him “Sir, let me go! I’m just trying to separate
8 people! Why are you letting them hit me?!” Deputy Escobedo felt someone punch his face at this
9 time, and he began to cover his face and head with both his arms in order to protect himself.

10 67. Defendant Banditos and Doe Defendants also ganged up on Plaintiff Art
11 Hernandez, pushing and hitting him. Deputy Escobedo’s attackers left him to run over and join
12 in the melee against Deputy Hernandez. Deputy Escobedo got up and walked in the direction of
13 the beating of Deputy Hernandez. Defendant Bam Bam was running around and yelling and
14 suddenly try to grab Deputy Escobedo. Uniformed, on-duty deputy, Christopher Moore, a
15 Banditos prospect, just watched the attacks and did nothing to help and intervene or arrest the
16 Banditos. Deputy Gonzalez yelled for Deputy Moore to get units from the station to intervene
17 and stop the attacks. Moore just stood there and said, “Let me call Ray Ray,” in reference to
18 Banditos shot caller, Ray Mendoza. Banditos prospects cheered on the attacks while dozens of
19 other deputies stood around and watched the ongoing brutal attacks, and did nothing to intervene,
20 presumably out of fear they’d be attacked as well or because they supported the attacks. The fact
21 that none of the deputies at the party called the cops (themselves) on the Banditos was very
22 revealing about how deeply ingrained the corrupt gang culture and hostile work environment is
23 in the Defendant County’s Sheriff’s Department.

24 68. Deputy Hernandez got up, but then suddenly got sucker punched in the face by
25 Defendant G-Rod and was knocked out cold. G-Rod and Defendant Silver began stomping on
26 and kicking Art Hernandez’ lifeless body. Big Listo ran over to join the other Banditos in
27 attacking Plaintiff Hernandez. Plaintiff Deputy Lemus, who had been assigned to be a designated
28 driver, showed up at the moment with her partner. Deputy Lemus was shocked to see the crazy

1 scene before her, dozens of cops standing and watching and doing nothing to intervene, as a
2 group of deputies she knew to be hardcore Banditos gang members were apparently trying to kill
3 fellow deputies. Deputy Lemus and her partner started to approach as they saw Defendants, G-
4 Rod, Big Listo, and Silver savagely jump on Deputy Hernandez as he lay still, unconscious, and
5 kick and stomp on his lifeless body. Plaintiffs Contreras and Casas tried to convince G-Rod to
6 stop but G-Rod slammed his elbow hard into Deputy Contreras' face and hit Deputy Casas in the
7 chest, with what may have been an object; Deputy Casas thought he may have been stabbed and
8 checked his chest for wounds. Plaintiff Lemus was too terrified to try to intervene and stepped
9 back and looked at the frenzied attack on Plaintiff Escobedo.

10 69. Bam Bam grabbed Deputy Escobedo by the front of his shirt and pinned him up
11 against a fence outside of the parking lot near the street. Deputy Escobedo could feel that Bam
12 Bam was strangling him with his own shirt as he had both of his hands tightly on the shirt around
13 his neck and was applying pressure squeezing his neck. Deputy Escobedo fought for his life but
14 could not breathe as he was being strangled for about 20-30 seconds, and he again lost
15 consciousness. Plaintiffs Alfred Gonzalez and Casas tried to pull Bam Bam off of Deputy
16 Escobedo and other Defendants and Doe Defendants pushed and hit them; Plaintiff Gonzalez
17 pulled on Escobedo, while Plaintiff Casas pulled on Bam Bam, and remained focused on saving
18 Escobedo's life. Casas and Gonzalez finally gave Deputy Escobedo just enough room where he
19 was off the fence and regained consciousness and was able to slip out of his shirt that was being
20 used to strangle him. Plaintiff Gonzalez hurried over to try to help Deputy Escobedo escape.

21 70. A Deputy lifted the unconscious Plaintiff Hernandez and Hernandez was placed
22 in the back of a patrol vehicle. G-Rod started to walk after Deputy Hernandez, and reached for
23 his gun in his waistband, but a female deputy yelled at G-Rod to stop, "Are you serious?! You
24 just got your job back!," and thus averted an escalation of the violence as G-Rod let go of the
25 gun. Plaintiff Deputy Alfred Gonzalez took Deputy Escobedo to the front passenger seat of
26 Gonzalez' car. Plaintiff Casas jumped into the driver's seat, and Deputy Gonzalez got in the
27 backseat and escaped from the scene. Plaintiff Art Hernandez has no memory of what happened
28 after being sucker punched until he came to as he was being pushed into the car to escape.

1 Bandito shot caller, Silvano “Cholo” Garcia and Defendants G-Rod, Big Listo, and Silver got
2 into Cholo’s car and with Cholo driving, the Banditos went looking for the Plaintiffs to further
3 attack them; the 4 Banditos went to the East Los Angeles Station, and went car to car, looking
4 for the victims, but fortunately all of the Plaintiffs had fled elsewhere, and not to the station
5 where they would have been sitting ducks for further attack.

6 71. If the young Latino deputies had handled the attacks on them differently, had not
7 kept their composure, and had not remained respectful and focused on peacemaking, and allowed
8 the attacks to turn into some kind of fight, there is no question they could have been killed or
9 forced to defend themselves with lethal force. The way the Plaintiffs handled the attacks on them
10 and would later stick their necks out and speak out and file claims about the gang’s dominance at
11 tremendous risk to their lives and safety of their families, would make them heroes. Yet, it has
12 been a year since the savage attacks and the Plaintiffs have not received recognition or support or
13 protection from the Defendant County, from Sheriff Villanueva, or the deputies union. Sheriff
14 Villanueva has not made a single statement showing he has the backs of the deputies he
15 supervises and were brutally victimized. In the year since the attacks, very little has come from
16 the Defendant County, other than lies, continued threats, and ridicule from the County’s
17 employee gang cops who attacked the young Latino deputies so viciously.

18 72. Later, on the day of the Kennedy Hall attacks, i.e., September 29, 2018, Deputies
19 Art Hernandez and Oscar Escobedo went to the emergency hospital. Doctors treated Deputy
20 Escobedo for severe neck pain and strain, dizziness, and nausea due to lack of oxygen from
21 being choked out; he was unable to work for a week. Art Hernandez was treated at the hospital
22 for a concussion and got sutures.

23 73. Meanwhile, the conspirators, the Defendants G-Rod, Big Listo, Silver, and Bam
24 Bam gathered at the back of the East Los Angeles Station, with the Pink Hand on speaker phone
25 giving guidance, to concoct a false story about their roles in the gang attack.

26 74. Growing up, the Plaintiffs had dreamed of being sheriff’s deputies and
27 specifically in East Los Angeles and knew with their service would come risks. But they never
28 expected it to be about fending off criminal gang members within the Sheriff’s department,

1 rather than the street. The Plaintiffs had a hard time trying to explain to their families that they
2 were attacked by people they worked with, armed cops trained to kill, who are supposed to be
3 upholding the law. All of the Plaintiffs are severely distressed, and they suffer a myriad of
4 ailments as a result of the years of harassment that culminated in ugly attacks by and in front of
5 their fellow deputies: insomnia, depression, inability to focus, anxiety, panic attacks, high blood
6 pressure, rapid hair loss, etc. After the Kennedy Hall attacks, the Plaintiffs began to regularly
7 have nightmares about their families and themselves being violently attacked by the Banditos, as
8 well as nightmares of being killed in the field when not being provided back up. The retaliation
9 against Deputy Granados and the other Plaintiffs, and the brutal Kennedy Hall attacks evoked
10 memories in Deputy Granados of the trauma of war.

11

12 **The Defendants Moved Quickly to Cover up the Violent Attacks on its Own Deputies**

13 75. When the Plaintiff Deputies returned to work on September 29, 2018, the
14 Defendant County was already moving to cover up the harassment of the young Latinos that
15 culminated in the frenzy of violence and beatings of the young Latino deputies. Lt. Smitson, who
16 is now disturbingly assigned to the Internal Affairs Bureau, approached Plaintiff Art Hernandez,
17 and asked him to help cover up the incident and to cover up that Banditos gang was behind it; Lt.
18 Smitson outrageously pressured Deputy Hernandez to lie and state that the Kennedy Hall attacks
19 were just some isolated drunken two-way fight that got out of hand. Chief Denham also moved
20 to downplay what happened at Kennedy Hall and reportedly ordered the Internal Affairs
21 Department to conduct a fake investigation of the matter and bury it. Reportedly, the owner of
22 Kennedy Hall provided video footage of the attacks and the Defendant County caused the
23 footage to “go missing,” as it is now nowhere to be found.

24 76. The corruption, harassment, discrimination, and retaliation against the young
25 Latino deputies and veterans Granados and Zaredini continued unabated without any
26 intervention from the Defendant County. Even the attacks, which put the lives of the Plaintiffs at
27 risk, did not prompt the Defendant County to finally protect its own. Legal and moral obligations
28 were shoved aside as the County’s leaders were, at best, asleep at the wheel. When supervisors

1 and the leaders of the Sheriff’s Department, everyone at the East Los Angeles station with the
2 responsibility and ability to stop race harassment – had actual knowledge of the illegal conduct
3 prior to the attacks at Kennedy Hall, it is a reasonable inference that Defendants intentionally
4 choose not to address the illegality, and therefore intentionally sought the result of its
5 indifference – near homicide of its young, Latino deputies. In the aftermath of the Kennedy Hall
6 attacks, everyone employed by the County with the responsibility and ability to stop the
7 harassment, still didn’t stop the hostile work environment, even after the March 7, 2019 claims
8 were filed. It therefore can be inferred that the Defendant County intentionally sought the
9 harassment and violence against the Plaintiffs; at the very least the County failed and fails to
10 protect its victim employees.

11
12 **The Liability of the Defendants is not in Question; Only the Amount of Damages to be Paid**
13 **is at Issue**

14 77. The liability of the Defendants is not in question in this case. It cannot be disputed
15 that members of the Banditos gang and prospects and associates, harassed, battered, and
16 discriminated against young Latino deputies since 2016, often sent them out without sufficient
17 backup, endangering the lives of both Deputies and the public, engaged in numerous illegal
18 actions, and retaliated against the whistleblowers, Veteran Deputies Zaredini and Granados, as
19 well as the young Latino Plaintiffs.

20 78. It cannot be disputed that members of the Banditos gang committed savage
21 violence in a one-sided attack on young Latino deputies. Such violence against Sheriff’s deputies
22 by fellow deputies is outrageous and shocking and outside the bounds of human decency.

23 79. Indeed, even Sheriff Villanueva, as the leader of the County’s Sheriff’s
24 department, has made many admissions on behalf of the Defendants. Villanueva admitted that
25 the Banditos “ran” the East Los Angeles station and “controlled the Captain, and that the
26 Plaintiffs were attacked due to a lack of supervision, and that supervisors actually added to the
27 problem: “[s]ome of the supervisors were part of the problem, they were facilitating this and that
28 really made matters even worse—it’s like pouring gasoline on fire... it became toxic – and they

1 did not do their job as supervisors. They just kind of looked the other way.” The Sheriff also
2 admitted on behalf of the Defendant County that, “pretty much they [the Banditos gang] were
3 calling the shots, they were dictating the decisions of the station and that has a very bad outcome
4 obviously.” Villanueva has acknowledged the pervasive influence of the Banditos at the East Los
5 Angeles Station, saying they “ran roughshod” over the previous captain and dictated where
6 deputies would be assigned, enabled by weak leadership of past administrations. Sheriff
7 Villanueva also admitted on behalf of the County that the Defendant County illegally and in
8 violation of FEHA “disproportionately targeted Latino and black deputies.”

9 80. While Sheriff Villanueva made admissions on behalf of the Defendant County for
10 County liability incurred prior to him assuming the mantle of leadership of the department and
11 the East Los Angeles station, he has made matters worse after the Kennedy Hall attacks, when
12 the County still did not take steps to protect its Plaintiff employees who are victims of
13 harassment, racial discrimination, and violence perpetrated by the Banditos gang.

14
15 **Sheriff Villanueva Allowed and Allows the Hostile Work Environment to Continue**

16 81. After Sheriff Villanueva took power in December 2018, little or nothing has been
17 done to address the gang problem and to eliminate the hostile work environment. Just two weeks
18 after Villanueva assumed the Sheriff’s position, Banditos secretly removed the bullets from
19 Deputy Zaredini’s shotgun hoping he’d get shot in the field. There was no investigation or
20 consequences for this incident, nor were there any for the Banditos continuing failure to provide
21 back up on dangerous calls. The Banditos and their prospects failed to provide back up for
22 Deputies Zaredini and Lemus on three more dangerous calls and withheld back up on other
23 Plaintiffs’ calls. Yet another fake Internal Affairs Investigation was launched, and the
24 investigators dutifully went through the empty motions; the County’s failure to protect its
25 deputies even after the Kennedy Hall attacks further emboldened the Banditos and their
26 prospects to further retaliate against the Plaintiffs. Big Listo reportedly bragged that his friend
27 and former training officer, Sheriff Villanueva, has his back and will make sure that he and the
28 other Banditos are not prosecuted by the District Attorney. It remains to be seen whether

1 Villanueva watered down the Sheriff's Department's report to the District Attorney, but
2 disturbingly the District Attorney reportedly rejected misdemeanor charges against the
3 perpetrators at Kennedy Hall. The felonies remain on the table, but in light of the consistent
4 cover ups at the station, the public and the Plaintiffs are likely in for another let down by the
5 Sheriff's Department's inability or unwillingness to police itself.

6 82. The fact that the Plaintiffs are seen as "rats" for not keeping their mouths shut and
7 just letting the gang harm or murder Deputies Gonzalez, Hernandez, and Escobedo, and that all
8 of the Plaintiffs reputations and careers are ruined, reflects how toxic and corrupt the culture has
9 become at the East Los Angeles Station.

10 83. In addition to the Plaintiffs, up through Villanueva's tenure, well into 2019 and up
11 to the filing of this complaint, there are several other young Latino deputies working out of the
12 East Los Angeles station who have been targeted, bullied, and harassed by the Banditos and their
13 "prospects." One young Latino deputy was recently hit by Bandito prospect, Jose Aceituno, at
14 the station, and there was no investigation or consequences for this incident. Given that the
15 County did nothing to stop the hostile work environment after the Kennedy Hall attacks, the
16 atmosphere at the station deteriorated for months in 2019, and got so bad that even non-Banditos
17 felt intimidated to go along with the corrupt program and started failing to back up the Plaintiffs on
18 dangerous calls. On one such dangerous call, in May, 2019, Plaintiff Contreras went out by
19 himself to subdue two suspects in a highly dangerous area, as his "back up" drove to the call, but
20 did not stop their car and proceeded to drive right past Deputy Contreras leaving him to himself.

21 84. In his deposition, second in command to the Sheriff, Ray Leyva, revealed that
22 Sheriff Villanueva inexplicably made an illegal settlement and payoff to Bandito shot caller,
23 Defendant G-Rod, without justification, just months after G-Rod attacked and almost killed his
24 fellow deputies at Kennedy Hall. G-Rod was newly hired as a deputy in September 2017 after
25 being terminated a few years before for filing a false police report. The County paid over
26 \$500,000 in a settlement with his victim. There was no legal basis to justify the payout to G-Rod
27 in 2019, and the payment is a constructive reward for his acts of violence committed against the
28 Plaintiffs.

1 85. On February 4, 2019 Villanueva reinstated Deputy Danny “Batman” Batanero,
2 one of the original ten members of the Banditos’ gang and made him head of his security detail.

3
4 **There has Been no Accountability or Consequences for the Wrongdoers**

5 86. There have been no consequences for the wrongdoers as the County did not stop
6 the hostile environment even after 7 of the 8 Plaintiffs filed their internal tort claims with the
7 County on March 7, 2019. Shortly after the Plaintiffs filed their internal tort claims, Sheriffs
8 Villanueva’s undersheriff, Timothy Murakami (an inked member of the Caveman gang) said at a
9 public meeting in March 2019 that the department was not looking into the Banditos or other
10 gangs as a “systemic issue.” And Villanueva responded to the tort claim filing by holding an East
11 Los Angeles “Anniversary Celebration.” Villanueva claimed it was a celebration that promoted
12 station pride, but it did the opposite, as it was in reality a celebration of the station’s criminal
13 gangs, including the Banditos. The flyer for the Anniversary event sponsored by Villanueva bore
14 the title “East Los Gathering,” and included the names and contact for information for three of
15 Banditos original ten founding members, Joe “Mariachi” Mejia (the creator of the Banditos logo
16 and tattoo), Leo Noyola, and Danny Batanero (recently rehired by Villanueva). The flyer
17 unmistakably features the logos of the three department gangs, the Banditos, Little Devils, and
18 the Caveman.

19 87. At a March 12, 2019 Board of Supervisors meeting, Sheriff Villanueva made the
20 bizarre statement about his past service as an officer in East Los Angeles Station, that “we were
21 all Cavemen.” By all accounts, Villanueva was not a member of the Cavemen, but that as a
22 deputy, he sought membership but was rejected by the gang. However, he now appears to be
23 identifying with the gangs, and appears to have positioned himself as the de facto leader and
24 protector of the Department’s gangs. Indeed, when Villanueva took over the reins of power, he
25 surrounded himself with inked gang members, including second in command, Under Sheriff
26 Timothy Murakami (Caveman), Caryn Carl Mandoyan (Reaper), and Chief of Staff Larry
27 Delmese, who reportedly recently had his Reaper tattoo lasered off as rumors of FBI
28 investigation of the gangs, and that the “Feds are coming for the ink,” spread through the East

1 Los Angeles Station. When asked by a reporter if his inner circle were inked gang members,
2 Sheriff Villanueva replied that he did not know and did not care.

4 **The County has Merely Reshuffled Around Gang Members and Associates**

5 88. The Los Angeles County Sheriff's Department's only actions regarding the gang
6 to date have been to shuffle employees around. Merely making these transfers of Banditos is like
7 discovering a religious official is a predator and then simply transferring him to another church
8 where he only finds new victims. The transfers only spread the cancer and don't solve the gang
9 problem at all. In addition, Sheriff Villanueva has repeatedly lied that he transferred 36 Banditos
10 gang members out of East Los Angeles. The truth is that only 6 Banditos and associates and
11 Banditos' "enablers," were transferred out of the station, leaving about 30 at the station. Even
12 Captain Chavez, who Villanueva appointed to run the East Los Angeles station, has contradicted
13 his boss and admitted that the number of 36 was a total fabrication on Villanueva's part. As
14 Chavez acknowledged, most of the deputies who left the station since the Kennedy Hall attacks
15 were coincidentally "promoted, retired or moved on as part of their natural rotation." For the
16 Sheriff to claim that these standard actions adequately addressed this crisis is absurd and only
17 shows either his indifference or active participation in the problem. Only the following have
18 been transferred since the assaults and batteries at Kennedy Hall in September 2018: Captain
19 Chris Perez, who is not a Bandito but did nothing to protect his deputies from them, Lt. Smitson,
20 who is not a Banditos member but protected them, Banditos' associate "the Pink Hand," inked
21 Banditos member Lt. Edmundo Torres, and inked Banditos shot callers Silvano "Cholo" Garcia
22 and Vincent Moran, who technically were not really moved out of the station because they are
23 still there on overtime shifts. This is it, 6 in total. (Defendants Big Listo, G-Rod, and Silver are
24 on paid leave and were not transferred).

25 89. Sheriff Villanueva appears to think he and the gang members are above the law.
26 Max Huntsman, the Inspector General, who runs the watchdog agency in charge of providing
27 oversight of the Sheriff's Department, compared the Sheriff to the jailed Paul Tanaka, in that the
28 Sheriff was refusing to follow the law to produce records for the Inspector General review.

1 Villanueva then retaliated against the Watchdog with Watergate-type tactics, announcing and
2 launching a criminal investigation of the Inspector General for doing his job. Villanueva is fully
3 aware that the Inspector General has not committed any crimes. Villanueva appears not to be
4 concerned about answering to voters as well, boastfully comparing himself to a fictional serial
5 killer: “My career has been killed so many times over I’ve been like Freddy Krueger,” he said. “I
6 keep rising from the dead. They think they got me, but I rise again.”

7 90. The Plaintiffs wanted to continue working at the East Los Angeles station, their
8 dream assignment. But as the months wore on after the Kennedy Hall attacks, it became more
9 and more difficult for the Plaintiffs to deal with the hostile environment the County was doing
10 nothing about. Sheriff Villanueva and the deputies’ union has given the victims no support at all,
11 while making statements in support of the gangs in the department. .

12 91. The Plaintiffs were under severe duress as the harassment and assaults on the
13 deputies have caused them a myriad of health problems, including severe loss of sleep, high
14 blood pressure, and nightmares of them and their families being murdered by the Banditos. Due
15 to the severe duress, one of the Plaintiffs was hospitalized in an emergency.

16 92. Under Villanueva, the retaliation against the Plaintiff continues. In addition to the
17 continued withholding of back up on dangerous calls, Deputy Zaredini was recently denied the
18 promotion the Captain admitted he had earned and deserved, and Deputy Zaredini continued to
19 be harassed daily, with taunts, trumped up complaints by Banditos, and his property keyed and
20 defaced. Deputy Zaredini and the other victim Deputies all continue to be subjected to daily
21 hostility, continue to be ostracized, and are routinely called “rats.” Deputy Lemus complained
22 about continuing harassment by the Banditos and reported shot caller Raymond Mendoza to the
23 Captain.

24
25 **The Plaintiffs had to Demand Transfers out of the East Los Angeles Station to try to**
26 **Escape the Hostile Work Environment**

27 93. By May 2019, 5 months into Villanueva’s reign and 3 months after filing their
28 government claims, the Plaintiffs could not handle the stress any longer and demanded transfers

1 out of the East Los Angeles station to lessen the damage caused to their physical and mental
2 health. The Sheriff’s department refused to grant some of the transfers, but after the Plaintiffs
3 filed supplements to their internal Tort Claims on May 28, 2019, underscoring that the hostile
4 environment was still dominating the station, all Plaintiffs were finally approved for transfers.
5 The Plaintiffs lost confidence in the Sheriff’s Department being able to or willing to remove the
6 hostile work environment, so the victims removed themselves from the hostile environment.

7 94. The County had the legal obligation to remove the hostile work environment, but
8 utterly failed to take any steps to do so. And, of course, 8 more good deputies moving out of the
9 East Los Angeles Station once again raises the ratio of bad deputies to good at the East Los
10 Angeles Station. And the Sheriff’s department is having trouble filling all of the vacancies at the
11 station; no deputies at other stations wants to work at the East Los Angeles Station.

12 95. All of the acts of discrimination, harassment, and retaliation are timely under the
13 continuing violation doctrine because, commencing in 2016 and continuing through the filing of
14 this complaint, the Defendants subjected Plaintiffs to a series of adverse actions that were
15 similar-in-kind, i.e., were motivated by the same discriminatory or retaliatory animus, even if
16 otherwise different actions,¹ occurred with reasonable frequency, and did not acquire
17 permanence at the earliest until the Plaintiffs were transferred out of the East Los Angeles
18 Station.² Defendants therefore remain liable for this entire course of conduct, including acts
19 predating any statutory period, inasmuch as at least one, and, here, numerous, of the acts
20 occurred within the statutory period.³

21
22 ¹ “Similarity” refers to the discriminatory motivation, *not* the form which the discrimination takes. *See Richards v.*
23 *CH2M Hill, Inc.* (2001) 26 Cal. 4th 798, 823. For example, lack of promotion, undesirable job assignments, and
24 harassment over a period of years reflects the same discriminatory animus. *See Id.*

25 ² *See Richards*, 26 Cal. 4th at 826 (statute of limitations does not begin to run when employee first believes his or her
26 rights have been violated but rather when the unlawful conduct ends, e.g., with the employee’s resignation, or when
27 the employer makes it clear “in a definitive manner” that it will not cease its unlawful conduct).

28 ³ *See Richards*, 26 Cal. 4th at 826 (employer may be liable for entire course of conduct, including acts predating the
29 statutory period, under the continuing violation doctrine provided at least one of the acts occurred within the
30 statutory period, so long as plaintiff can establish similarity of conduct, reasonable frequency and fact that acts have
31 not acquired permanence); *Id.* 26 Cal.4th at 823 (recurring incidents are sufficient to establish reasonable frequency
32 component of continuing violation test); *Yanowitz*, 36 Cal. 4th at 1056 (continuing violation doctrine not limited to
33 harassment claims and may include retaliation claims); *Accardi*, Cal.App.4th at 351 (sexual harassment over 11-year
34 period included sexist remarks, sexual advances, and being singled-out for unfavorable assignments; the only
35 incidents occurring within the limitations period were relatively minor, i.e., mishandling her workers compensation
36 claims, and failure to treat her like other partially disabled employees; nevertheless, employer’s acts were part of a

1 96. Plaintiffs allege the County’s violations of the law continue through the filing of
2 this complaint. While the Plaintiffs finally escaped the hostile work environment that was
3 specifically at the East Los Angeles Station, in May 2019, the Plaintiffs and their family
4 members still remain in danger from retaliation by the Banditos, who are armed individuals, with
5 training and the license to kill, and who have made active threats to attack them in their homes.
6

7 **FIRST CAUSE OF ACTION FOR**
8 **RACE/ETHNICITY DISCRIMINATION IN VIOLATION OF THE**
9 **CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**
10 **(AGAINST DEFENDANT COUNTY OF LOS ANGELES)**
11

12 97. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
13 96 paragraphs.

14 98. In relevant part, California Government Code section 12940(a) provides that it
15 shall be unlawful for an employer to discriminate against an employee in the terms and
16 conditions of his employment because of his race or ethnicity.

17 99. Plaintiffs Art Hernandez, Alfred Gonzalez, Oscar Escobedo, Mario Contreras,
18 David Casas, Ariela Lemus, and Louis Granados are Latinos/Hispanics and are thus at all times
19 mentioned herein were in the protected class of persons, i.e., minority race, and engaged in
20 protected activities contemplated by Government Code sections 12940, et. seq. Plaintiff
21 Benjamin Zaredini was originally targeted for membership in the Banditos, and later retaliated
22 against, because the Banditos, including the individual defendants here, thought he was
23 Latino/Hispanic.

24 100. Plaintiffs are informed and believe that the Defendant County harassed them
25 based on their race and for reporting and speaking out against wrongful and discriminatory
26

27 _____
28 “deliberate pattern of discrimination” entitling employee to recover for harassment over the entire period of her
employment); *Watson v. Department of Rehabilitation* (1989) 212 Cal.App3d 1271, 1290-91 (series of
discriminatory acts and retaliatory harassment for complaining about discrimination constitutes a continuing
violation).

1 treatment based on their race, speaking out against improper conduct, and for generally
2 attempting to protect and secure their rights and rights of others under the FEHA.

3 101. FEHA defines “employer” broadly to encompass “any person regularly
4 employing five or more persons, or any person acting as an agent of an employer, directly or
5 indirectly.” California Government Code § 12926(d). Here, the Defendant County was the
6 employer of the Plaintiffs, and all of the individual Defendants were agents of the Defendant
7 County. As set forth above, the Defendant County discriminated against Plaintiffs because of
8 their race and ethnicity Defendants engaged in illegal, intentional discrimination by creating a
9 hostile work environment based on race/ethnicity. Plaintiffs have regularly complained to the
10 Defendant County regarding discrimination, but Defendant allowed the discrimination to
11 continue.

12 102. Commencing before and during 2016, and continuing to the present, Defendants
13 created and allowed to exist a racially hostile environment and discriminated against Plaintiffs on
14 the basis of their race. Such discrimination was in violation of Government Code §§ 12940, et
15 seq. and the public policy embodied therein.

16 103. That Defendants’ wrongful treatment of the Plaintiffs was substantially motivated
17 by illegal/race ethnicity animus.

18 104. At all times herein mentioned, the Defendant County had actual and/or
19 constructive knowledge of the discriminatory conduct levied against the Plaintiffs by the
20 Defendants, by Sheriff Villanueva, Chief Denham, the Captains Perez and Chavez, employees
21 and other superiors. Moreover, such retaliation, harassment, and discriminatory conduct was also
22 conducted and/or condoned by the Defendants.

23 105. As a direct, foreseeable and proximate cause of Defendants’ discriminatory
24 conduct and failure to act, Plaintiffs suffered and continue to suffer personal physical injury and
25 sickness, fear for their lives, humiliation, embarrassment, anxiety, mental anguish, and
26 emotional distress. Plaintiffs were required to and did employ and will in the future employ
27 physicians and health care providers to examine, treat and care for Plaintiffs, and did, and will in
28

1 the future, incur medical and incidental expenses. The exact amount of full expenses is unknown
2 to Plaintiffs at this time.

3 106. As a direct, legal and proximate result of the discrimination, Plaintiffs have
4 suffered immense damages, including severe emotional distress from their lives being regularly
5 threatened and being put in danger, and almost being killed, as well as lost wages and other
6 employment benefits, and other economic damages, in an amount to be proven at trial.

7 107. As a further legal result of the above-described conduct of Defendants, and each
8 of them, Plaintiffs have and will continue to incur attorneys' fees and in costs amount according
9 to proof.

10 108. Defendants' actions were ratified by managing agents, and were willful,
11 malicious, fraudulent, and oppressive, and were committed with wrongful intent to harm
12 Plaintiffs in conscious disregard of their rights. Plaintiff timely exhausted administrative
13 remedies.

14 **SECOND CAUSE OF ACTION FOR**
15 **VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT & HOUSING ACT –**
16 **FAILURE TO TAKE ALL REASONABLE STEPS TO PREVENT DISCRIMINATION**
17 **(AGAINST DEFENDANT COUNTY OF LOS ANGELES)**

18
19 109. Plaintiffs re-allege and incorporate herein by reference paragraphs 1 through 108,
20 inclusive, as if fully set forth herein.

21 110. Defendant failed to take all reasonable steps necessary to prevent the
22 aforementioned discrimination to which Plaintiffs were subjected in violation of California
23 Government Code Section 12940(k).

24 111. The conduct, statements and acts described herein were an ongoing part of a
25 continuing scheme and course of conduct. Defendant County knew the substance of the above
26 described facts and circumstances and ratified the wrongs and injuries mentioned herein when it
27 was in its ability to prevent, remedy and/or correct these wrongs. Defendant continued to ratify
28 and refused to remedy the aforementioned conduct, notwithstanding the fact that its officials,

1 supervisors and/or managing agents knew or reasonably should have known, and know or
2 reasonably should know, of the conduct and its unlawful motivations.

3 112. As a direct and proximate result of Defendant’s conduct, Plaintiffs have
4 suffered special damages in the form of lost earnings, benefits and/or out of pocket expenses in
5 an amount according to proof at the time of trial. As a further direct and proximate result of
6 Defendant’s conduct, Plaintiffs will suffer additional special damages in the form of lost future
7 earnings, benefits and/or other prospective damages in an amount according to proof at the time
8 of trial.

9 113. As a further direct and proximate result of Defendants’ conduct, Plaintiffs
10 have suffered mental and emotional pain, distress and discomfort, and damages to their
11 occupational reputation, all to their detriment and damage in amounts not fully ascertained but
12 within the jurisdiction of this court and subject to proof at the time of trial. The Defendant
13 County allowed and sanctioned and supported harassment of the Plaintiffs up to the point of the
14 Plaintiffs almost being killed by the Banditos gang.

15 114. In engaging in the conduct alleged herein, Defendant acted maliciously
16 toward Plaintiffs, with conscious disregard for their known rights and with the intention of
17 causing, and/or willfully disregarding the probability of causing, unjust and cruel hardship to
18 Plaintiffs.

19 115. Plaintiffs are entitled to costs and reasonable attorneys’ fees pursuant to
20 California Government Code section 12965(b).

1 **THIRD CAUSE OF ACTION FOR**
2 **HARASSMENT AND HOSTILE WORK ENVIRONMENT IN VIOLATION OF FEHA**
3 **(CAL. GOV. CODE SECTION 12940 et. seq.);**
4 **(AGAINST ALL DEFENDANTS, COUNTY OF LOS ANGELES,**
5 **DEFENDANTS RAFAEL “RENE” MUNOZ aka BIG LISTO,**
6 **GREGORY RODRIGUEZ aka G-ROD, DAVID SILVERIO aka SILVER,**
7 **MICHAEL HERNANDEZ aka BAM BAM, DOE DEFENDANTS 1-100)**

8 116. Plaintiffs re-allege and incorporate herein by reference paragraphs 1 through 115,
9 inclusive, as if fully set forth herein.

10 117. At all times mentioned herein, Government Code §§ 12940, et seq. was in full
11 force and effect and was binding upon Defendants. Said law requires Defendants to refrain from
12 harassing any employee based upon race, and ethnicity, and to provide each employee with a
13 working environment free from harassment based on race, ethnicity, and national origin.

14 118. At all times mentioned, Plaintiffs were in the protected class, i.e. minority race,
15 and engaged in protective activities contemplated by Government Code §§ 12940, et seq.
16 Plaintiffs are informed and believe that Defendants, and each of them, harassed them based on
17 their race/ethnicity, and for reporting and speaking out against wrongful and discriminatory
18 treatment based on their race, speaking out against improper conduct, and for generally
19 attempting to protect and secure their rights of others under FEHA.

20 119. Commencing before and during 2016, and continuing to the present, Defendants
21 created and allowed to exist a racially hostile environment and harassed Plaintiffs on the basis of
22 their race. Such discrimination was in violation of Government Code §§ 12940, et seq. and the
23 public policy embodied therein.

24 120. At all times herein mentioned, the Defendant County had actual and/or
25 constructive knowledge of the harassing conduct levied against the Plaintiffs by the Defendants,
26 by Sheriff Villanueva, Chief Denham, the Captains Perez and Chavez, employees and other
27 superiors. Moreover, such retaliation, harassment, and hostile work environment were also
28 conducted and/or condoned by the Defendants.

1 121. During the term of Plaintiffs' employment, Plaintiffs were subjected to
2 harassment, including, a hostile work environment. The hostile work environment consisted of
3 racial/ethnic discrimination, harassment, assault and battery and acts setting up the Plaintiffs to
4 be harmed or killed. The harassing conduct was unwelcome and sufficiently severe or pervasive
5 that it had the purpose and effect of altering the conditions of Plaintiffs' employment and
6 creating an intimidating, hostile, and abusive environment. The environment created by the
7 conduct would have been perceived as intimidating, hostile, abusive, or offensive by a
8 reasonable man in the same position as the Plaintiffs, and the environment created was perceived
9 by the Plaintiffs as intimidating, hostile, and abusive. The hostile work environment caused
10 Plaintiffs' injury, damage, loss, and harm.

11 122. The harassment included, but was not limited to, the above-mentioned violent
12 attacks, the verbal and physical harassment, derogatory comments, as well as other harassment.

13 123. Said actions and conduct of the Defendant, and each of them, resulted in a hostile
14 work environment and unlawful employment practices pursuant to California
15 Government Code sections 12940, et seq.

16 124. As a direct, foreseeable and proximate cause of Defendants' harassing conduct
17 and failure to act, Plaintiffs suffered and continue to suffer humiliation, embarrassment, anxiety,
18 mental anguish, and emotional distress. Plaintiffs were required to and did employ and will in the
19 future employ physicians and health care providers to examine, treat and care for Plaintiffs, and
20 did, and will in the future, incur medical and incidental expenses. The exact amount of full
21 expenses is unknown to Plaintiffs at this time.

22 125. As a direct, legal and proximate result of the harassment and hostile work
23 environment, Plaintiffs have suffered immense damages, including severe emotional distress
24 from their lives being regularly threatened and being put in danger, and almost being killed, as
25 well as lost wages and other employment benefits and other economic damages, in an amount to
26 be proven at trial.

1 126. As a further legal result of the above-described conduct of Defendants, and each
2 of them, Plaintiffs have and will continue to incur attorneys' fees and in costs amount according
3 to proof.

4 127. Defendants' actions were ratified by managing agents, and were willful,
5 malicious, fraudulent, and oppressive, and were committed with wrongful intent to harm
6 Plaintiffs in conscious disregard of their rights. Plaintiff timely exhausted administrative
7 remedies.

8
9 **FOURTH CAUSE OF ACTION FOR**
10 **RETALIATION IN VIOLATION OF FEHA**
11 **(CAL. GOV. CODE SECTION 12940 et. seq.);**
12 **(AGAINST DEFENDANT COUNTY OF LOS ANGELES)**

13 128. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
14 127 paragraphs.

15 129. At all times mentioned herein, Government Code §§ 12940, et seq. was in full
16 force and effect and was binding upon Defendants. Said law requires Defendants to refrain from
17 retaliating against an employee for his/her opposition to employment practices prohibited under
18 FEHA.

19 130. At all times mentioned, Plaintiffs were in the protected class, i.e. minority race,
20 and engaged in protective activities contemplated by Government Code §§ 12940, et seq.
21 Plaintiffs are informed and believe that Defendants, and each of them, retaliated against them for
22 reporting and speaking out against inappropriate workplace behavior, reporting and speaking out
23 against wrongful and discriminatory, harassing, and retaliatory treatment based on race,
24 ethnicity, and national origin, speaking out against improper conduct, and for generally
25 attempting to protect and secure their rights of others under FEHA, and for generally attempting
26 to protect and secure his rights under the FEHA.

27 131. Commencing before and during 2016, and continuing to the present, Defendants
28 created and allowed to exist a racially hostile environment and retaliated against Plaintiffs on the

1 basis of their protected activity. Such retaliation was in violation of Government Code §§ 12940,
2 et seq. and the public policy embodied therein.

3 132. At all times herein mentioned, the Defendant County had actual and/or
4 constructive knowledge of the retaliatory conduct levied against the Plaintiffs by the Defendants,
5 by Sheriff Villanueva, Chief Denham, the Captains Perez and Chavez, employees and other
6 superiors. Moreover, such retaliation, harassment, and discriminatory conduct was also
7 conducted and/or condoned by the Defendants.

8 133. As a direct, foreseeable and proximate cause of Defendants' retaliatory conduct
9 and failure to act, Plaintiffs almost lost their lives and suffered and continue to suffer
10 humiliation, embarrassment, anxiety, mental anguish, and emotional distress. Plaintiffs were
11 required to and did employ and will in the future employ physicians and health care providers to
12 examine, treat and care for Plaintiffs, and did, and will in the future, incur medical and incidental
13 expenses. The exact amount of full expenses is unknown to Plaintiffs at this time.

14 134. As a direct, legal and proximate result of the Defendants' retaliatory conduct,
15 Plaintiffs have suffered immense damages, including severe emotional distress from their lives
16 being regularly threatened and being put in danger, and almost being killed, as well as lost wages
17 and other employment benefits and other economic damages, in an amount to be proven at trial.

18 135. As a further legal result of the above-described conduct of Defendants, and each
19 of them, Plaintiffs have and will continue to incur attorneys' fees and in costs amount according
20 to proof.

21 136. Defendants' actions were ratified by managing agents, and were willful,
22 malicious, fraudulent, and oppressive, and were committed with wrongful intent to harm
23 Plaintiffs in conscious disregard of their rights. Plaintiff timely exhausted administrative
24 remedies.

1 **FIFTH CAUSE OF ACTION FOR**

2 **BATTERY**

3 **(AGAINST ALL DEFENDANTS, COUNTY OF LOS ANGELES,**

4 **RAFAEL “RENE” MUNOZ aka BIG LISTO,**

5 **GREGORY RODRIGUEZ aka G-ROD, DAVID SILVERIO aka SILVER,**

6 **MICHAEL HERNANDEZ aka BAM BAM, DOE DEFENDANTS 1-100)**

7 137. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
8 136 paragraphs.

9 138. Members of the Banditos, Defendants Big Listo, G-Rod, Silver, and Bam Bam,
10 came to a Department party, that was sanctioned by Defendant County, with the intent to
11 physically attack and harm Plaintiff Alfredo Gonzalez; unprovoked, Big Listo, G-Rod, Silver,
12 and Bam Bam did physically attack and harm Plaintiffs Gonzalez, and also Plaintiffs Art
13 Hernandez, Oscar Escobedo, David Casas, and Mario Contreras; the Defendants pushed, hit,
14 kicked, stomped on, sucker punched unconscious, and choked and strangled unconscious the
15 Plaintiffs and almost killed two of them, Art Hernandez and Oscar Escobedo.

16 139. Defendants intended to cause and did cause the harmful contact with the
17 Plaintiffs’ person.

18 140. The Plaintiffs did not consent to the Defendants’ violent acts.

19 141. As a direct, foreseeable and proximate cause of Defendants’ violent acts,
20 Plaintiffs almost lost their lives and suffered severe mental anguish and physical pain and
21 continue to suffer humiliation, embarrassment, anxiety, mental anguish, and emotional distress;
22 Plaintiffs were required to and did employ and will in the future employ physicians and health
23 care providers to examine, treat and care for Plaintiffs, and did, and will in the future, incur
24 medical and incidental expenses. The exact amount of full expenses is unknown to Plaintiffs at
25 this time; Plaintiffs also have suffered a loss of earnings in an amount which has not yet been
26 determined, but which will be added by amendment when it is ascertained.

27 142. Defendants’ vicious and violent acts were done knowingly, willfully, and with
28 malicious intent; the Defendants sucker punched Art Hernandez unconscious and kicked and

1 stomped on his lifeless body; the Defendants repeatedly choked and strangled Oscar Escobedo
2 and caused him to fear for his life; the plaintiffs are entitled to punitive damages in an amount to
3 be determined by proof at trial.

4 143. The Defendant County is liable for actions of the other Defendants.

5
6 **SIXTH CAUSE OF ACTION FOR**

7 **ASSAULT**

8 **(AGAINST ALL DEFENDANTS, COUNTY OF LOS ANGELES**

9 **RAFAEL “RENE” MUNOZ aka BIG LISTO,**

10 **GREGORY RODRIGUEZ aka G-ROD, DAVID SILVERIO aka SILVER,**

11 **MICHAEL HERNANDEZ aka BAM BAM, DOE DEFENDANTS 1-100)**

12 144. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
13 143 paragraphs.

14 145. Members of the Banditos, Defendants Big Listo, G-Rod, Silver, and Bam Bam,
15 came to a Department party, that was sanctioned by Defendant County, with the intent to
16 physically attack and harm Plaintiff Alfredo Gonzalez; unprovoked, Big Listo, G-Rod, Silver,
17 and Bam Bam did physically attack and harm Plaintiffs Gonzalez, and also Plaintiffs Art
18 Hernandez, Oscar Escobedo, David Casas, and Mario Contreras; the Defendants pushed, hit,
19 kicked, stomped on, sucker punched unconscious, and choked and strangled unconscious the
20 Plaintiffs and almost killed two of them, Art Hernandez and Oscar Escobedo.

21 146. The Defendants, Big Listo, G-Rod, Silver, and Bam Bam intended to cause and
22 did cause the Plaintiffs to suffer apprehension of an immediate harmful contact. The Plaintiffs
23 did not consent to the Defendants’ acts.

24 147. As a direct, foreseeable and proximate cause of Defendants’ wrongful conduct,
25 acts, Plaintiffs suffered and continue to suffer humiliation, embarrassment, anxiety, mental
26 anguish, and emotional distress; Plaintiffs were required to and did employ and will in the future
27 employ physicians and health care providers to examine, treat and care for Plaintiffs, and did,
28 and will in the future, incur medical and incidental expenses. The exact amount of full expenses

1 is unknown to Plaintiffs at this time; Plaintiffs also have suffered a loss of earnings in an amount
2 which has not yet been determined, but which will be added by amendment when it is
3 ascertained.

4 148. Defendants' acts were done knowingly, willfully, and with malicious intent; the
5 Plaintiffs are entitled to punitive damages in an amount to be determined by proof at trial.

6 149. The Defendant County is liable for actions of the other Defendants.

7 150.

8 **SEVENTH CAUSE OF ACTION FOR**
9 **NEGLIGENCE: NEGLIGENT HIRING, TRAINING, SUPERVISION AND**
10 **RETENTION**

11 **(AGAINST DEFENDANT LOS ANGELES COUNTY)**

12 151. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
13 149 paragraphs.

14 152. Plaintiffs are informed and believe, and on that basis allege that prior to the
15 violent attacks by the Defendants Big Listo, G-Rod, Silver, and Bam Bam, Defendant County
16 knew or should have reasonably known that the Banditos, including Defendants Big Listo, G-
17 Rod, Silver, and Bam Bam were capable of violently attacking the Plaintiffs. The Banditos gang,
18 including the Banditos, Defendants Big Listo, G-Rod, Silver, and Bam Bam, had previously
19 engaged in violent acts against other deputies, periodically knocking unconscious other deputies
20 behind the East Los Angeles Station, at the Cap, the bar across the street from the station, and at
21 department parties; the Banditos gang, including the Banditos, Defendants Big Listo, G-Rod,
22 Silver, and Bam Bam had previously withheld back up to the Plaintiffs on dangerous calls,
23 repeatedly and intentionally putting their lives in danger.

24 153. The Defendant County had a duty to protect its employees from harm. The
25 Defendant had a special duty as well as an ordinary duty of care to protect its employee deputies
26 from physical harm from the County's other employees. Defendant County has a duty to hire,
27 train, supervise, and retain qualified employees and agents who do not target other employees
28 based on race and ethnicity, and do not verbally assault and harass them, do not try to physically

1 harm them and put their lives in danger, and do not batter them up to the point of almost killing
2 them.

3 154. The Defendant had actual notice and warning that the Banditos, Defendants Big
4 Listo, G-Rod, Silver, and Bam Bam were a group that was harassing, discriminating against, and
5 creating a hostile work environment targeting young, Latino deputies; the County should have
6 known that the Banditos had previously engaged in dangerous and inappropriate conduct, and
7 that it was or should have been foreseeable that the Banditos would engage in further dangerous
8 conduct; the County was informed and aware and warned that there was increasing tension in the
9 station, with the Banditos controlling the station like inmates running a prison yard. The violent
10 attacks that would come at the department party at Kennedy Hall were no surprise to the County,
11 in fact, the attacks were inevitable.

12 155. Plaintiffs are informed and believe, and on that basis allege, that the Defendant
13 breached its duty of care as it failed to intervene, to protect and warn its deputy employees, the
14 Plaintiffs. Members of the Banditos, Defendants Big Listo, G-Rod, Silver, and Bam Bam, came
15 to a Department party, that was sanctioned by Defendant County, with the intent to physically
16 attack and harm Plaintiff Alfredo Gonzalez; unprovoked, Big Listo, G-Rod, Silver, and Bam
17 Bam did physically attack and harm Plaintiffs Gonzalez, and also Plaintiffs Art Hernandez,
18 Oscar Escobedo, David Casas, and Mario Contreras; the Defendants attacked the Plaintiffs right
19 in front of numerous deputies employed by the County, many of whom were in uniform; the
20 Defendants pushed, hit, kicked, stomped on, sucker punched unconscious, and choked and
21 strangled unconscious the Plaintiffs and almost killed two of them, Art Hernandez and Oscar
22 Escobedo. The other employee deputies at the party, including the ones on duty and in uniform,
23 did not intervene and stop the attacks.

24 156. The Defendant breached its duty of care by failing to adequately hire, supervise,
25 and retain the perpetrators, the Banditos, including Defendants Big Listo, G-Rod, Silver, and
26 Bam Bam; by failing to investigate or otherwise confirm or deny facts and allegations about the
27 Banditos and Defendants; by failing to adequately monitor and supervise the Banditos, including
28 the Banditos, Defendants Big Listo, G-Rod, Silver, and Bam Bam; by failing to intervene and

1 stop the Defendants from committing their wrongful acts. The County did nothing to protect the
2 Plaintiffs, its young, Latino deputies, from harm.

3 157. The Defendant County was negligent in its hiring practices, as it hired deputies
4 who were likely to commit such wrongful acts; Defendant Big Listo had been previously fired by
5 the County for domestic violence, but was later rehired; Defendant G-Rod was previously fired
6 for falsifying police report, and the County paid his victim \$500,000 in a settlement, but G-Rod
7 was later rehired.

8 158. The Defendant County was negligent in retaining the Defendants the Banditos,
9 Defendants Big Listo, G-Rod, Silver, and Bam Bam, and negligent for not supervising them,
10 after the County had sufficient notice about the ongoing wrongful conduct, including harassment
11 and discrimination, and hostile work environment against the Plaintiffs; the County had been
12 warned about the need to remove Big Listo and others from the East Los Angeles Station; the
13 County had been warned about the need for intervention to fix the problem of the Banditos
14 controlling the Station and maintaining a hostile work environment. At all times herein
15 mentioned, the Defendant County did not have a system or procedure in place to oversee or
16 monitor the Banditos or a system or procedure to reasonably investigate and supervise the
17 Defendants who were harassing the County's young, Latino deputies. When the Plaintiffs blew
18 the whistle on the Banditos gang, the county did nothing to protect its deputies and by doing
19 nothing encouraged the Defendants Big Listo, G-Rod, Silver, and Bam Bam to retaliate against
20 the whistleblowers and the other Plaintiffs, making the violent attacks inevitable.

21 159. As a direct, foreseeable and proximate cause of Defendant County's negligence
22 and the resulting acts, Plaintiffs almost lost their lives and suffered severe mental anguish and
23 physical pain and continue to suffer humiliation, embarrassment, anxiety, mental anguish, and
24 emotional distress; Plaintiffs were required to and did employ and will in the future employ
25 physicians and health care providers to examine, treat and care for Plaintiffs, and did, and will in
26 the future, incur medical and incidental expenses. The exact amount of full expenses is unknown
27 to Plaintiffs at this time; Plaintiffs also have suffered a loss of earnings in an amount which has
28 not yet been determined, but which will be added by amendment when it is ascertained.

1 **EIGHTH CAUSE OF ACTION FOR**
2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
3 **(AGAINST ALL DEFENDANTS, COUNTY OF LOS ANGELES**

4 **RAFAEL“RENE”MUNOZ aka BIG LISTO,**
5 **GREGORY RODRIGUEZ aka G-ROD, DAVID SILVERIO aka SILVER,**
6 **MICHAEL HERNANDEZ aka BAM BAM, DOE DEFENDANTS 1-100)**

7 160. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
8 158 paragraphs.

9 161. This lawsuit arises out of rather extreme and outrageous circumstances: The
10 County Defendant employees deputies who are not just cops, but also full-fledged gang
11 members. Defendant County has admitted to being long aware of its problem of “cop gangs.”
12 Yet, the County has allowed the gangs to fester and dominate certain stations, as do the Banditos
13 at the East Los Angeles Station. Defendants Big Listo, G-Rod, Silver, Bam Bam, Braulio
14 Robledo, as well as about 30 other individuals at the East Los Angeles Station are members,
15 prospects, and associates of the notorious Banditos gang.

16 162. Instead of supporting their fellow deputies, and having their backs, the Banditos
17 have established a culture and custom of attacking their fellow deputies. On multiple occasions,
18 from 2017 through 2019, the Defendants placed the lives of the Plaintiffs at risk by withholding
19 back up on dangerous calls. In the fall of 2018, members of the Banditos, Deputy Defendants
20 Big Listo, G-Rod, Silver, and Bam Bam, came to a Department party, that was sanctioned by
21 Defendant County, with the intent to physically attack and harm Plaintiff Alfredo Gonzalez;
22 unprovoked, Big Listo, G-Rod, Silver, and Bam Bam did physically attack and harm Plaintiffs
23 Gonzalez, and also Plaintiffs Art Hernandez, Oscar Escobedo, David Casas, and Mario
24 Contreras; while dozens of other deputies watched and did nothing to intervene, or protect their
25 fellow officers, the Defendants threatened, assaulted, and battered, falsely arrested, pushed, hit,
26 kicked, stomped on, sucker punched unconscious, and choked and strangled unconscious the
27 Plaintiffs and almost killed two of them, Art Hernandez and Oscar Escobedo. the Defendants
28 sucker punched Art Hernandez unconscious and kicked and stomped on his lifeless body; the

1 Defendants repeatedly choked and strangled Oscar Escobedo and caused him to fear for his life.
2 Not one of the guests, including the uniformed deputies on duty, bothered to call the cops. In
3 December 2018, the Defendants secretly removed the ammunition from Plaintiff Zaredini's
4 shotgun, hoping to set him up to be killed in the field, and continued to withhold back up on
5 dangerous calls into 2019.

6 163. These circumstances and incidents fit the classic definition of intentional
7 infliction of emotional distress. The Defendants' conduct went beyond just racially profiling an
8 individual, went beyond cruelly mocking an individual, or mere insults, or depriving them of
9 enjoyment. Defendants' malicious unrelenting attack on the Plaintiffs was extreme and
10 outrageous and willful and utterly beyond the standards of decency and would be seen as such by
11 any reasonable person. Any reasonable person would be horrified by Defendants' unusual
12 conduct.

13 164. That Defendants should have known that their outrageous conduct would cause
14 any person in society, including Plaintiffs, severe emotional distress; Defendants' conduct did
15 cause Plaintiffs to suffer from mental anguish, anxiety, panic attacks, and depression.

16 165. Sherriff Villanueva exacerbated the infliction emotional distress by refusing to fix
17 the gang problem and remove the hostile work environment. The Plaintiffs held out hope that
18 Sheriff Villanueva would end the hostile work environment when he took office in December
19 2018, but he did not. Finally, after several months into 2019, the Plaintiffs could not handle the
20 stress from the hostile environment any further and demanded and received transfers out of the
21 East Los Angeles Station.

22 166. Plaintiffs remains severely emotionally distressed by the wrongful conduct of the
23 Defendants. All of the tortfeasors were acting under agency of the Defendants County which is
24 vicariously liable for intentional infliction of emotional distress directed at Plaintiffs by all of the
25 Defendants and the other Banditos.

26 167. In engaging in the conduct alleged herein, Defendants acted oppressively,
27 maliciously, fraudulently, and/or outrageously toward Plaintiffs, with conscious disregard for
28

1 their known rights and with the intention of causing, and/or willfully disregarding the probability
2 of causing, unjust and cruel hardship to Plaintiffs.

3
4 **NINTH CAUSE OF ACTION FOR**
5 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
6 **AGAINST ALL DEFENDANTS, COUNTY OF LOS ANGELES**
7 **RAFAEL “RENE” MUNOZ aka BIG LISTO,**
8 **GREGORY RODRIGUEZ aka G-ROD, DAVID SILVERIO aka SILVER,**
9 **MICHAEL HERNANDEZ aka BAM BAM, DOE DEFENDANTS 1-100)**
10

11 168. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
12 166 paragraphs.

13 169. This lawsuit arises out of rather extreme and outrageous circumstances: The
14 County Defendant employees deputies who are not just cops, but also full-fledged gang
15 members. Defendant County has admitted to being long aware of its problem of “cop gangs.”
16 Yet, the County has allowed the gangs to fester and dominate certain stations, as do the Banditos
17 at the East Los Angeles Station. Defendants Big Listo, G-Rod, Silver, Bam Bam, Braulio
18 Robledo, as well as about 30 other individuals at the East Los Angeles Station are members,
19 prospects, and associates of the notorious Banditos gang.

20 170. Instead of supporting their fellow deputies, and having their backs, the Banditos
21 have established a culture and custom of attacking their fellow deputies. On multiple occasions,
22 from 2017 through 2019, the Defendants placed the lives of the Plaintiffs at risk by withholding
23 back up on dangerous calls. In the fall of 2018, members of the Banditos, Deputy Defendants
24 Big Listo, G-Rod, Silver, and Bam Bam, came to a Department party, that was sanctioned by
25 Defendant County, with the intent to physically attack and harm Plaintiff Alfredo Gonzalez;
26 unprovoked, Big Listo, G-Rod, Silver, and Bam Bam did physically attack and harm Plaintiffs
27 Gonzalez, and also Plaintiffs Art Hernandez, Oscar Escobedo, David Casas, and Mario
28 Contreras; while dozens of other deputies watched and did nothing to intervene, or protect their

1 fellow officers, the Defendants threatened, assaulted, and battered, falsely arrested, pushed, hit,
2 kicked, stomped on, sucker punched unconscious, and choked and strangled unconscious the
3 Plaintiffs and almost killed two of them, Art Hernandez and Oscar Escobedo. the Defendants
4 sucker punched Art Hernandez unconscious and kicked and stomped on his lifeless body; the
5 Defendants repeatedly choked and strangled Oscar Escobedo and caused him to fear for his life.
6 Not one of the guests, including the uniformed deputies on duty, bothered to call the cops. In
7 December 2018, the Defendants secretly removed the ammunition from Plaintiff Zaredini's
8 shotgun, hoping to set him up to be killed in the field, and continued to withhold back up on
9 dangerous calls into 2019.

10 171. The Defendants' conduct went beyond just racially profiling an individual, went
11 beyond cruelly mocking an individual, or mere insults, or depriving them of enjoyment.
12 Defendants' malicious unrelenting attack on the Plaintiffs was extreme and outrageous and
13 willful and utterly beyond the standards of decency and would be seen as such by any reasonable
14 person. Any reasonable person would be horrified by Defendants' unusual conduct.

15 172. That Defendants were aware that their outrageous conduct would cause any
16 person in society, including Plaintiffs, severe emotional distress; Defendants' conduct did cause
17 Plaintiffs to suffer from mental anguish, anxiety, panic attacks, and depression.

18 173. Sherriff Villanueva exacerbated the infliction emotional distress by refusing to fix
19 the gang problem and remove the hostile work environment. The Plaintiffs held out hope that
20 Sheriff Villanueva would end the hostile work environment when he took office in December
21 2018, but he did not. Finally, after several months into 2019, the Plaintiffs could not handle the
22 stress from the hostile environment any further and demanded and received transfers out of the
23 East Los Angeles Station.

24 174. Plaintiffs remains severely emotionally distressed by the wrongful conduct of the
25 Defendants. All of the tortfeasors were acting under agency of the Defendants County which is
26 vicariously liable for intentional infliction of emotional distress directed at Plaintiffs by all of the
27 Defendants and the other Banditos.

1
2 **TENTH CAUSE OF ACTION FOR**
3 **DEPRIVATION OF CIVIL RIGHTS UNDER**
4 **STATE CODE §§ 51 (UNRUH ACT) AND 52.1**
5 **(AGAINST DEFENDANTS COUNTY OF LOS ANGELES RAFAEL “RENE” MUNOZ**
6 **aka BIG LISTO, GREGORY RODRIGUEZ aka G-ROD, DAVID SILVERIO aka**
7 **SILVER, and MICHAEL HERNANDEZ aka BAM BAM, DOE DEFENDANTS)**

8 175. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
9 174 paragraphs.

10 176. The Plaintiffs are in a protected class. To establish a violation of Civil Code section
11 52.1, the threats have to interfere with a person’s rights under the Constitution or the law. If a
12 person or persons, whether or not acting under color of law, interferes by threats, intimidation, or
13 coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or
14 enjoyment by any individual or individuals of rights secured by the Constitution or laws of the
15 United States, or of the rights secured by the Constitution or laws of this state ... Civ. Code § 52.1.
16 “All persons within the jurisdiction of this state are free and equal, and no matter what their sex,
17 race, color, religion, ancestry, national origin, disability, medical condition, genetic information,
18 marital status, sexual orientation, citizenship, primary language, or immigration status are entitled
19 to the full and equal accommodations, advantages, facilities, privileges, or services in all business
20 establishments of every kind whatsoever.” Unruh Act, Civ. Code § 52.1 All persons within the
21 jurisdiction of this state have the right to be free from any violence, or intimidation by threat of
22 violence, committed against their person s or property because of political affiliation, or on account
23 of any characteristic listed or defined in subdivision (b) or (e) of section 51, or position in a labor
24 dispute, or because another person perceives them to have one or more of those characteristics.
25 The identification in this subdivision of particular bases of discrimination is illustrative rather than
26 restrictive.” California Civil Code section 51.7.

27 177. The Defendant County has been aware for decades of its systemic problem of
28 being plagued by deputy gangs within its Sheriff’s Department. The County has been long aware

1 of the dominance of these racist gangs at certain stations in the department and that these said
2 gangs harass and terrorize other deputies as well community members. The County has been
3 long aware of its unwillingness or inability to police itself. The County is aware that Sheriff Alex
4 Villanueva is protecting the gangs from proper scrutiny and disciplinary action, and that
5 subsequently the hostile work environment created by the gangs continues up through the filing
6 of this complaint.

7 178. Commencing in 2016, the Defendants, engaging in threats, intimidation, and
8 coercion, repeatedly violated the constitutional rights of the Plaintiffs. On multiple occasions,
9 from 2017 through 2019, the Defendants placed the lives of the Plaintiffs at risk by withholding
10 back up on dangerous calls. Members of the Banditos, Deputy Defendants Big Listo, G-Rod,
11 Silver, and Bam Bam, came to a Department party in September 2018, that was sanctioned by
12 Defendant County, under the color of law, with the intent to physically attack and harm Plaintiff
13 Alfredo Gonzalez; unprovoked, Big Listo, G-Rod, Silver, and Bam Bam did physically attack
14 and harm Plaintiffs Gonzalez, and also Plaintiffs Art Hernandez, Oscar Escobedo, David Casas,
15 and Mario Contreras; under the color of law, the Defendants threatened, assaulted, and battered,
16 falsely arrested, pushed, hit, kicked, stomped on, sucker punched unconscious, and choked and
17 strangled unconscious the Plaintiffs and almost killed two of them, Art Hernandez and Oscar
18 Escobedo. the Defendants sucker punched Art Hernandez unconscious and kicked and stomped
19 on his lifeless body; the Defendants repeatedly choked and strangled Oscar Escobedo and caused
20 him to fear for his life. In December 2018, the Defendants secretly removed the ammunition
21 from Plaintiff Zaredini's shotgun, hoping to set him up to be killed in the field, and continued to
22 withhold back up on dangerous calls into 2019.

23 179. As a direct, foreseeable and proximate cause of Defendants' violent acts and
24 deprivation of Plaintiff's civil rights, Plaintiffs almost lost their lives and suffered severe mental
25 anguish and physical pain and continue to suffer humiliation, embarrassment, anxiety, mental
26 anguish, and emotional distress; Plaintiffs were required to and did employ and will in the future
27 employ physicians and health care providers to examine, treat and care for Plaintiffs, and did,
28 and will in the future, incur medical and incidental expenses. The exact amount of full expenses

1 is unknown to Plaintiffs at this time; Plaintiffs also have suffered a loss of earnings in an amount
2 which has not yet been determined, but which will be added by amendment when it is
3 ascertained.

4 180. Defendants' vicious and violent acts and deprivations of Plaintiff's civil rights
5 were done knowingly, willfully, and with malicious intent; the plaintiffs are entitled to punitive
6 damages against Defendants, in an amount to be determined by proof at trial.

7 181. Plaintiffs are entitled to injunctive and Declaratory relief.
8

9 **ELEVENTH CAUSE OF ACTION FOR**
10 **INJUNCTIVE AND DECLARATORY RELIEF**
11 **(AGAINST DEFENDANT COUNTY OF LOS ANGELES RAFAEL "RENE" MUNOZ**
12 **aka BIG LISTO, GREGORY RODRIGUEZ aka G-ROD, DAVID SILVERIO aka**
13 **SILVER, and MICHAEL HERNANDEZ aka BAM BAM, DOE DEFENDANTS)**

14 182. Plaintiffs re-allege and incorporate by reference the allegations in the preceding
15 180 paragraphs.

16 183. Commencing in 2016, and ongoing, criminal gangs whose members are deputies
17 employed by Defendant County, have deprived and are depriving the civil rights of other deputy
18 employees, including the Plaintiffs, and members of the community in Los Angeles County.

19 184. The actions of Defendant County and Sheriff Villanueva are unreasonable as
20 Villanueva continues to support and protect the criminal gangs working under his supervision
21 and he perpetuates the deprivation of civil rights.

22 185. Sheriff Villanueva refuses to make the systemic changes necessary to end the
23 deprivation of civil rights.

24 186. Gang membership is so extensive in the Sheriff's Department, from deputies up to
25 Villanueva's administration, there is

26 187. The Defendant County is unwilling or unable to police itself and, therefore, court
27 intervention is the only available remedy.
28

1 188. An actual controversy has arisen and now exists between Plaintiffs on the one
2 hand, and the Defendants on the other, concerning their respective rights and duties in that
3 Plaintiffs contend that they have civil rights and that the Defendants have a duty to protect them
4 from criminal deputy gangs harassing and discriminating against them, and retaliating and
5 physically attacking them and putting their lives at risk, and the Defendants, through Sheriff
6 Villanueva, contend that they do not have the duty alleged by Plaintiffs, and that their actions
7 were and are legal and appropriate.

8 189. Injunctive and Declaratory relief is necessary and appropriate at this time under
9 the circumstances in order that Plaintiffs may ascertain their rights as alleged, and that the
10 Defendants be forced to protect their employees, from physical harm, and from the ongoing
11 deprivation of their civil rights. Plaintiffs will continue to suffer the above-described harm unless
12 and until such declaration is made.

13 190. The Plaintiffs seek and demand the following:

- 14 1. That the head of the Sheriff's Department, Sheriff Alex Villanueva, admit that the
15 department has a deputy gang problem, and that the department is permeated by
16 criminal gang culture, from deputies up into Villanueva's administration, which
17 impacts the civil rights of deputy employees and community members.
- 18 2. That gang membership among deputies be immediately banned in the Sheriff's
19 Department.
- 20 3. That all gang members of the outlawed gangs be identified; provide full disclosure
21 to the criminal defendants arrested by the gang members, so their due process rights are not
22 violated.
- 23 4. That Defendant County hire Gang Prevention Specialists, to address what
24 psychological factors attract deputies to gang membership within the department and divert
25 deputies from gangs into more legal and appropriate associations and activities.
- 26 5. That the Defendant County establish zero tolerance of abuse of trainees, in order to
27 choke off new gangs' ability to recruit new members.

1 6. That the Defendant County implement, and enforce policies that it adopts from
2 LAPD, which has no cop gang problem.

3 7. That a data study be done on higher than expected rate of arrests and stops,
4 including for possession, in East Los Angeles Station and at other gang dominated stations in the
5 department; provide full disclosure to criminal defendants to ensure their due process rights are
6 not violated.

7 8. That the Bandito gang’s control of the East Los Angeles station and the culture of
8 corruption that dominates the station be broken through the immediate transfer out of East Los
9 Angeles of all Banditos, Banditos’ prospects and associates.

10 9. That the FBI investigate the criminal gangs in the department and that the County
11 voluntarily comply, cooperate, and assist with the investigation.

12
13 **PRAYER FOR RELIEF**

14
15 WHEREFORE, Plaintiffs pray for Judgment against the Defendants as follows:

- 16
17 1. For special damages, including but not limited to, lost earnings, benefits and/or out-of-
18 pocket expenses in an amount according to proof at the time of trial, all in an amount set
19 forth above and/or according to proof at the time of trial;
- 20 2. For further special damages, including but not limited to, lost future earnings, benefits
21 and other prospective damages in an amount set forth above and/or according to proof at
22 the time of trial;
- 23 3. For general damages, including for pain and suffering, in an amount set forth above
24 and/or according to proof at the time of trial, and at a minimum of \$60 million;
- 25 4. For interest: Pre-Judgment and Post-Judgment at the maximum legal rate;
- 26 5. For costs of suit; and attorney’s fees under FEHA;
- 27 6. Injunctive and declaratory relief;
- 28

1 7. That Plaintiff be awarded such further legal and equitable relief as the Court deems
2 proper.

3
4 September 18, 2019

5 THE LAW OFFICES OF VINCENT MILLER

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9 _____
10 VINCENT MILLER, Attorney for Plaintiffs

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12 **DEMAND FOR JURY TRIAL**

13 Dated this September 18, 2019

14 THE LAW OFFICES OF VINCENT MILLER

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17 VINCENT MILLER, Attorney for Plaintiffs
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