

ORIGINAL

1 **LTL ATTORNEYS LLP**
James M. Lee (SBN 192301)
2 Caleb H. Liang (SBN 261920)
Kevin B. Kelly (SBN 274145)
3 300 South Grand Avenue, 14th Floor
Los Angeles, CA 90071
4 Telephone: (213) 612-8900
Facsimile: (213) 612-3773

FILED
Superior Court of California
County of Los Angeles

MAR 22 2017

Sherri R. Carter, Executive Officer/Clerk
By Raul Sanchez Deputy

5
6 **SHIN RYU BAZERKANIAN LLP**
Jennifer Ryu (SBN 299143)
Jack Bazerkanian (SBN 299031)
7 714 W. Olympic Blvd., Ste. 714
Los Angeles, CA 90015
8 Telephone: (213) 986-3430
Facsimile: (213) 986-9860

9 Attorneys for Plaintiffs Consuelo Barajas and
10 Hector Medina

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

13
14 **CONSUELO BARAJAS and HECTOR**
15 **MEDINA**, individually and as successors in
16 interest of Christian Rene Medina, deceased,

17 Plaintiffs,

18 v.

19 **COUNTY OF LOS ANGELES; COUNTY OF**
LOS ANGELES SHERIFF'S
20 **DEPARTMENT; and DOES 1-50, inclusive,**

21 Defendants.

CASE NO.: BC644126

**PLAINTIFFS' FIRST AMENDED
COMPLAINT FOR DAMAGES**

1. BATTERY
2. NEGLIGENCE
3. WRONGFUL DEATH

DEMAND FOR JURY TRIAL

03/23/2017

1 Plaintiffs CONSUELO BARAJAS and HECTOR MEDINA (“Plaintiffs”), individually
2 and as successors in interest of CHRISTIAN RENE MEDINA (“Decedent”) allege the following
3 on information and belief:

4 **INTRODUCTION**

5 1. Plaintiffs bring this action against Defendants COUNTY OF LOS ANGELES,
6 COUNTY OF LOS ANGELES SHERIFF’S DEPARTMENT, and DOES 1-50 (“Defendants”)
7 alleging battery, negligence, and wrongful death based upon the fact that Defendant County of
8 Los Angeles Sheriff’s Department Deputies, while acting under the color of law, and pursuant to
9 the authority of Defendants County of Los Angeles and County of Los Angeles Sheriff’s
10 Department, negligently and unreasonably fired numerous gunshots at Christian Rene Medina
11 that resulted in his death.

12 **PARTIES**

13 2. At all relevant times mentioned herein, Decedent Christian Rene Medina
14 (“Decedent”) was a resident of Los Angeles, California.

15 3. Plaintiffs Consuelo Barajas and Hector Medina (“Plaintiffs”) are individuals
16 residing in the County of Los Angeles, California and are the parents of the Decedent. Plaintiffs
17 bring this lawsuit both in their individual capacity and as successors-in-interest to the Decedent
18 pursuant to California Code of Civil Procedure Section 377.60(a). Plaintiffs are seeking both
19 wrongful death damages and survival damages.

20 4. At all relevant times mentioned herein, Defendants County of Los Angeles
21 (“County”) and Los Angeles County Sheriff’s Department (“Sheriff’s Department”) were
22 municipal corporations organized and existing under the laws of the state of California in the
23 County of Los Angeles.

24 5. At all relevant times mentioned herein, Defendants County and/or Sheriff’s
25 Department employed the individual Defendant deputies, whose actual identities are presently
26 unknown to Plaintiffs. These presently unknown Sheriff’s Department Deputies, who were
27 acting within the course and scope of their employment with Defendants are sued under fictitious

03/23/2017

1 6. The true names and capacities, whether individual, plural, corporate, partnership,
2 associate, or otherwise, of DOES 1 through 50, inclusive, are unknown to Plaintiffs who therefore
3 sue said Defendants by such fictitious names. Plaintiffs are informed and believe, and thereon
4 allege, that each of the Defendants designated herein as a DOE was, and is, negligent, or in some
5 other actionable manner, responsible for the events and happenings hereinafter referred to, and
6 thereby negligent, or in some other actionable manner, legally and proximately caused the
7 hereinafter described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the
8 Court to amend this Complaint to show the Defendants’ true names and capacities after the same
9 have been ascertained. Plaintiffs are informed and believe, and thereon allege, that at all times
10 mentioned herein, Defendants and DOES 1 through 50, inclusive, and each of them, were agents,
11 servants, employees, successors in interests, and/or joint venturers of their said agency,
12 employment, and/or venture, and that each and every Defendant, as aforesaid, when acting as a
13 principal, was negligent in the selection and hiring, training, and supervision of each and every
14 other Defendant as an agent, servant, employee, successor in interest, and/or joint venturer.

15 **JURISDICTION AND VENUE**

16 7. This Court has jurisdiction over the claims of Plaintiffs pursuant to California
17 Constitution Article VI, Section 10, which grants the Superior Court “original jurisdiction in all
18 cases except those given by statute to other trial courts.”

19 8. Venue is proper pursuant to Code of Civil Procedure Section 395 because
20 Defendants reside in Los Angeles County and the injuries causing the Decedent’s death occurred
21 in this County.

22 9. On or about September 7, 2016, Plaintiffs filed a comprehensive and timely
23 Claims for Damages against Defendants County of Los Angeles and County of Los Angeles
24 Sheriff’s Department. On or about October 24, 2016, Defendant County formally rejected
25 Plaintiffs’ claim.

26 **GENERAL ALLEGATIONS**

27 10. Plaintiffs are the parents of Decedent Christian Rene Medina. The Decedent did
28

03/23/2017

1 successors in interest. Further, for these same reasons, at all relevant times, Plaintiffs are the
2 heirs at law of Decedent Christian Rene Medina.

3 11. On March 16, 2016 at approximately 4:00 a.m., Decedent was standing, unarmed,
4 on a sidewalk on the corner of 64th Street and Holmes Avenue in Los Angeles, California.
5 Around that same time, several of the Sheriff's Department Deputies employed by Defendants
6 Los Angeles County and/or Los Angeles County Sheriff's Department responded to a disturbance
7 call at the same intersection where Decedent was standing.

8 12. Unexpectedly and without warning, the Sheriff's Department Deputies pulled their
9 car next to and behind where the Decedent was standing. Instinctively, Decedent was in the
10 process of turning to look at the vehicle coming up behind him, whereupon without warning or
11 identification, the Sheriff's Department Deputies fired their handguns at Decedent approximately
12 eighteen times.

13 13. As a result, Decedent suffered multiple gunshot wounds, the majority of which
14 struck Decedent in the back of his torso and legs. Decedent was pronounced dead on March 16,
15 2016 at approximately 4:45 a.m.

16 14. The Sheriff's Department Deputies had no justification for employing deadly force
17 against Decedent because Decedent posed no reasonable threat of violence to any of the
18 Defendants or to any other individual. The Sheriff's Department Deputies, in complete violation
19 and in total disregard of all policies and procedures, employed deadly force on a knowingly
20 innocent victim. The Sheriff's Department Deputies further negligently and recklessly fired their
21 weapons at an innocent victim without regard for the safety and security of the community.

22 **FIRST CAUSE OF ACTION**
23 **(BATTERY)**
24 **(Against All Defendants)**

25 15. Plaintiffs hereby restate, re-allege, and incorporate by reference each and every
26 allegation stated above.

27 16. Plaintiffs are informed and believe, and thereupon allege, that Defendants and
28 DOES 1 through 50, and each of them, willfully and unlawfully used force upon the person of

03/23/2017

1 Decedent posed absolutely no threat to Defendants or anyone else.

2 17. The conduct of Defendants and DOES 1 through 50, and each of them, described
3 herein above, was done within the course and scope of their employment, agency and/or service
4 with Defendants County and Sheriff's Department and under color of their authority.

5 Accordingly, Defendants County and Sheriff's Department and each of them are, therefore,
6 vicariously liable for same under Government Code Sections 815.2, 815.3, and 820.

7 18. The aforementioned acts of Defendants and DOES 1 through 50 were done by
8 them knowingly, intentionally, and maliciously, for the purpose of harassment, oppression and
9 inflicting injury upon Decedent and in reckless, wanton and callous disregard of his safety,
10 security, and civil rights.

11 19. As a direct and proximate result of the aforesaid conduct of the Defendants, and
12 each of them, and the resultant battery on Decedent, Plaintiffs have suffered the loss of
13 Decedent's society, love, aide, and comfort of said son and have been caused severe emotional
14 distress, as well as the loss of future services and earnings of said son, to their great loss and
15 damage in an amount to be shown according to proof at trial. They have also been injured as to
16 the funeral and burial expenses for Decedent according to proof.

17 **SECOND CAUSE OF ACTION**
18 **(NEGLIGENCE)**
19 **(Against All Defendants)**

20 20. Plaintiffs hereby restate, re-allege, and incorporate by reference each and every
21 allegation stated above.

22 21. At all times relevant to this Complaint, Defendants were under a duty to use
23 reasonable care in the performance of their duties so as not to expose innocent individuals to an
24 unnecessary and unreasonable risk of harm.

25 22. The general duties of reasonable care that Defendants owed to Decedent included
26 but were not limited to:

- 27 a. The duty to refrain from using excessive and/or unreasonable force;
28 b. The duty to refrain from unreasonably creating the situation where force was

03/23/2017

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

- c. The duty to refrain from using tactics that violated generally accepted law enforcement standards; and
- d. The duty to refrain from abusing their lawful authority.

23. The duties of reasonable care that Defendants owed to Decedent also included the following:

- a. The duty to properly and adequately hire, investigate, train, supervise, monitor, evaluate, and discipline their employees, agents, and/or law enforcement officers to ensure that those employees/agents/officers act at all times in the public interest and in conformance with law;
- b. The duty to make, enforce, and at all times act in conformance with policies and customs that are lawful and protective of individual rights, including Decedent's; and
- c. The duty to refrain from making, enforcing, and/or tolerating wrongful policies and customs.

24. Defendants, through their acts and omissions, breached each and every one of the aforementioned duties owed to Decedent.

25. As a direct and proximate result of the aforesaid negligent conduct of the Defendants, and each of them, Plaintiff was shot numerous times and wrongfully killed.

26. The negligence of the Sheriff's Deputies named as Does 1 through 50, inclusive, in employing deadly force against Decedent subjects those Sheriff's Deputies to personal liability under California law, including but not limited to Cal. Code Civ. Proc. §815.2(a) and § 820 ("a public employee is liable for injury caused by his act or omission to the same extent as a private person"); *Grudt v. City of Los Angeles*, 2 Cal.3d 575, 588 (1970).

27. The Sheriff's Deputies named as Does 1 through 50, inclusive, were acting within the scope of their employment when they failed to use reasonable care in employing deadly force against Decedent. Defendant County and Defendant Sheriff's Department are therefore vicariously liable for these Sheriff's Deputies' wrongful acts pursuant to the California Tort

09/23/2017

1 scope of their employment, the public entity employer will be vicariously liable for any injury
2 resulting therefrom pursuant to Government Code Section 815.2. *Munoz v. City of Union City*,
3 120 Cal.App.4th 1077, 1110 (2004) (Government Code § 815.2 expressly makes the doctrine of
4 respondeat superior applicable to public employers).

5 28. As a direct and proximate result of the aforesaid negligent conduct of the
6 Defendants, and each of them, Plaintiffs have been deprived of the society, love, aide, and
7 comfort of the Decedent and have been caused severe emotional distress, as well as the loss of
8 future services and earnings of their son, to their great loss and damage in an amount to be shown
9 according to proof at trial. They have also been injured as to the funeral and burial expenses for
10 Decedent according to proof.

11 **THIRD CAUSE OF ACTION**
12 **(WRONGFUL DEATH)**
13 **(Against All Defendants)**

14 29. Plaintiffs hereby restate, re-allege, and incorporate by reference each and every
15 allegation stated above.

16 30. While engaging in their duties as Sheriff's Department Deputies, the Deputies
17 intentionally, wantonly, recklessly, and negligently fatally shot Decedent at close range.

18 31. The actions of the Sheriff's Department Deputies were objectively unreasonable
19 and unduly excessive because they did not have probable cause for using substantial or deadly
20 force against Decedent.

21 32. Decedent did not commit any acts necessitating or warranting the use of deadly
22 force by the Sheriff's Department Deputies. Decedent was unarmed and gave the Sheriff's
23 Department Deputies no reason to believe that he was armed. Decedent was alone on the
24 sidewalk and merely turned to look at the Sheriff's Department Deputies when they pulled up in
25 their car behind him without identifying themselves.

26 33. The shooting of Decedent by the Sheriff's Department Deputies constituted an
27 unreasonable, unwarranted, and excessive use of force against Decedent.

28 34. As a direct and proximate result of the Sheriff's Department Deputies' violation of

03/23/2017

1 shooting Decedent at close-range numerous times, Decedent was fatally injured and was
2 pronounced dead shortly thereafter.

3 35. As a direct and proximate result of the aforesaid negligent conduct of the
4 Defendants, and each of them, Plaintiffs have been deprived of the society, love, aide, and
5 comfort of the Decedent and have been caused severe emotional distress, as well as the loss of
6 future services and earnings of their son, to their great loss and damage in an amount to be shown
7 according to proof at trial. They have also been injured as to the funeral and burial expenses for
8 Decedent according to proof.

9
10 **PRAYER**

11 **WHEREFORE**, Plaintiffs request relief as follows, and according to proof, against each
12 Defendant:

- 13 1. General and compensatory damages in an amount according to proof against all
14 Defendants;
15 2. Exemplary damages; and
16 3. Such other relief as may be warranted or as is just and proper.
17

18 **JURY TRIAL DEMAND**

19 Plaintiffs demand a trial by jury on all claims and issues so triable.

20 DATED: March 22, 2017

SHIN RYU BAZERKANIAN LLP

Jack Bazerkanian

Jennifer Ryu

LTL ATTORNEYS LLP

21
22
23
24
25 By: Kevin B Kelly

James M. Lee

Caleb H. Liang

Kevin B. Kelly

Attorneys for Plaintiffs Consuelo

03/23/2017

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA)
3 COUNTY OF LOS ANGELES)

4 I am employed in the county of Los Angeles State of California. I am over the age of 18
5 and not a party to the within action; my business address is: 300 South Grand Ave., 14th Floor, Los
6 Angeles, CA 90071.

7 On **March 22, 2017**, I served the foregoing document(s) described as **PLAINTIFFS'**
8 **FIRST AMENDED COMPLAINT FOR DAMAGES** on the interested parties in this action.

<p>9 Ricky Ivie 10 Antonio K. Kizzie 11 Ivie McNeill & Wyatt 12 444 S Flower St, Ste 1800 13 Los Angeles, CA 90071-2919 14 Tel: 213-489-0028 15 Fax: 213-489-0552</p>	<p><i>Attorneys for Defendants COUNTY OF 16 LOS ANGELES; COUNTY OF LOS 17 ANGELES SHERIFF'S DEPARTMENT</i></p>
---	--

18 **BY OVERNIGHT COURIER** I caused each envelope with fees prepaid to be shipped by
19 Federal Express.

20 **BY MAIL** I placed such envelope in the mail at Los Angeles, California. The envelope
21 was mailed with postage thereon fully prepaid.

22 As follows: I am "readily familiar" with the firm's practice of collection and processing
23 correspondence for mailing. Under that practice it would be deposited with U.S. Postal
24 Service on that same day with postage thereon fully prepaid at Los Angeles, California in
25 the ordinary course of business. I am aware that on motion of the party served, service is
26 presumed invalid if postal cancellation date or postage meter date is more than one day
27 after date of deposit for mailing in affidavit.

28 Executed on **March 22, 2017**, at Los Angeles, California.

29 (State) I declare under penalty of perjury under the laws of the State of California that the
30 above is true and correct.

31 (Federal) I declare that I am employed in the office of a member of the bar of this court at
32 whose direction the service was made.

33 Erika Santoyo
34 *Print Name*


35 *Signature*

03/23/2017